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Statutes  
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Ontario. Statutes



438

# STATUTES

## OF THE

# PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE  
SIXTY-FIRST YEAR OF THE REIGN OF HER MAJESTY

## QUEEN VICTORIA

Being the Fourth Session of the Eighth Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO, ON THE THIRTIETH DAY OF NOVEMBER IN THE YEAR  
OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND NINETY-SEVEN.

1897

54027  
7/4/02



HIS HONOUR  
THE HONOURABLE SIR OLIVER MOWAT,  
LIEUTENANT-GOVERNOR.

TORONTO:  
PRINTED BY L. K. CAMERON;  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,  
1898.



# PROVINCE OF ONTARIO

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWENTY

## QUEEN VICTORIA

By the Queen's Most Excellent Majesty in Council

AN ACT TO AMEND THE ACTS RESPECTING THE REGISTRATION OF DEEDS



PRINTERS AND  
BOOKBINDERS.



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## 61 VICTORIA.

### CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-eight, and for other purposes therein mentioned.

*Assented to 17th January, 1898.*

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from the Honourable Preamble, Sir Oliver Mowat, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and ninety-eight ;

May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million seven hundred and seventeen thousand, eight hundred and twenty-four dollars and seventy-five cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thou-

\$3,717,824.75  
granted out of  
the Consoli-  
dated Revenue  
Fund for cer-  
tain purposes.

sand eight hundred and ninety-eight as set forth in Schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand eight hundred and ninety-nine as set forth in Schedule B to this Act.

Accounts to be  
laid before the  
Legislative  
Assembly.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule A of this Act shall be laid before the Legislative Assembly at its next sitting.

Unexpended  
moneys.

3. Any part of the money under Schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and ninety-eight, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January one thousand eight hundred and ninety-nine shall lapse and be written off.

Expenditure  
to be account-  
ed for to Her  
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

## SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-eight and the purposes for which they are granted.

### CIVIL GOVERNMENT.

*To defray the expenses of the several Departments at Toronto*

Lieutenant-Governor's Office .....	3,180 00
Executive Council and Attorney-General's Office .....	20,285 00
Education Department .....	19,662 00
Crown Lands Department .....	63,530 00
Department of Public Works .....	22,200 00
Treasury Department .....	32,675 00
Provincial Board of Health .....	7,975 00

Secretary

CIVIL GOVERNMENT.—*Continued.*

Secretary and Registrar's Department .....	31,625 00	
Inspection of Public Institutions .....	15,500 00	
Insurance Branch .....	8,200 00	
Department of Agriculture .....	18,060 00	
Immigration Branch .....	1,800 00	
Miscellaneous .....	9,800 00	
	<hr/>	\$254,492 00

## LEGISLATION.

To defray expenses of Legislation .....	127,100 00
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## ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature .....	\$67,418 00	
Surrogate Judges and Local Masters .....	20,722 00	
Miscellaneous Criminal and Civil Justice ....	351,102 64	
	<hr/>	\$439,242 64

## EDUCATION.

To defray expenses of Public and Separate School Education:—

Aid from Municipalities Fund .....	\$ 1,122 81
Public and Separate Schools .....	240,000 00
Poor and District Schools .....	50,000 00
Kindergarten Schools .....	3,000 00
Night Schools .....	500 00
Public School Leaving and Continuation Classes	15,000 00
62 Model Schools (including reference books) .	11,000 00
French-English Training Schools .....	1,600 00
Teachers' Associations and District Training Schools .....	4,400 00
Inspection of Public Schools .....	39,500 00
Two Inspectors of Separate Schools .....	3,550 00
Two Inspectors in Districts .....	3,000 00
One Inspector of Model Schools .....	1,850 00
One Director of Teachers' Institutes .....	1,850 00
Travelling expenses six inspectors .....	2,400 00
Stationery, postage and incidentals .....	1,400 00
Examiners for Departmental Examinations ..	20,000 00
Paper, postage and supplies for Examinations and assistant .....	2,400 00
Salary of Printer .....	950 00
Salary of Clerk .....	800 00
Secretary, Boards of Examiners .....	350 00
Registrar, Education Department .....	1,750 00
Short-hand writer .....	400 00
Normal and Model School, Toronto .....	25,480 00
" " " Ottawa .....	22,410 00

Total Public and Separate School Education \$454,712 81

High Schools



EDUCATION.—*Continued.*

High Schools and Collegiate Institutes . . . .	\$114,550 00	
Library and Museum . . . . .	7,750 00	
School of Practical Science . . . . .	21,870 00	
Public Libraries, Art Schools, Literary and Scientific . . . . .	56,750 00	
Miscellaneous . . . . .	4,750 00	
Superannuated Public and High School Teachers . . . . .	61,300 00	
		\$721,682 81

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—

Asylum for the Insane, Toronto . . . . .	\$97,739 00	
Asylum for the Insane, London . . . . .	129,148 00	
Asylum for the Insane, Kingston . . . . .	75,294 00	
Asylum for the Insane, Hamilton . . . . .	117,993 00	
Asylum for the Insane, Mimico . . . . .	76,236 00	
Asylum for Insane, Brockville . . . . .	66,305 00	
Asylum for Idiots, Orillia . . . . .	61,098 00	
Central Prison, Toronto . . . . .	61,300 00	
Provincial Reformatory, Penetanguishene . . . .	30,130 00	
Institution for the Deaf and Dumb, Belleville .	44,796 00	
Institution for the Blind, Brantford . . . . .	32,925 00	
Mercer Reformatory for Females . . . . .	22,175 00	
		\$815,139 00

## IMMIGRATION.

To defray expenses of a grant in aid of Immigration . . . .	10,325 00
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## AGRICULTURE.

To defray expenses of a grant in aid of Agriculture . . . .	202,919 00
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## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities . . . . .	184,584 47
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MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

Government House . . . . .	\$7,500 00
Old Parliament Buildings . . . . .	750 00
New Parliament and Departmental Buildings .	27,820 00
Attorney-General's Department . . . . .	550 00
Crown Lands Department . . . . .	1,300 00
Treasury Department . . . . .	900 00
Provincial Secretary's Department . . . . .	1,700 00
Department of Agriculture . . . . .	700 00

Department

MAINTENANCE AND REPAIRS.—*Continued.*

Department of Public Works .....	\$ 600 00	
New Parliament Buildings, exclusive of Departments. ....	2,000 00	
Education Department (Normal School Building) .....	8,800 00	
Miscellaneous .....	3,480 00	
Normal School, Ottawa .....	4,150 00	
School of Practical Science .....	4,025 00	
Agricultural College.....	6,725 00	
Osgoode Hall .....	8,840 00	
		\$79,840 00

## PUBLIC BUILDINGS.

Asylum for the Insane, Toronto .....	\$ 4,135 00	
Asylum for the Insane, Mimico .....	6,900 00	
Asylum for the Insane, London .....	9,925 00	
Asylum for the Insane, Hamilton.....	8,450 00	
Asylum for the Insane, Kingston .....	4,765 00	
Asylum for the Insane, Brockville .....	10,365 00	
Asylum for Idiots, Orillia.....	4,100 00	
Central Prison, Toronto.....	13,300 00	
Reformatory, Penetanguishene.....	200 00	
Reformatory for Females, Toronto .....	1,250 00	
Deaf and Dumb Institute, Belleville.....	1,800 00	
Blind Institute, Brantford.....	1,215 00	
Agricultural College, Guelph .....	1,950 00	
Normal School and Education Depart't, Toronto	3,500 00	
Normal School, Ottawa.....	2,500 00	
Normal School, London.....	32,500 00	
School of Practical Science, Toronto .....	4,743 00	
Osgoode Hall, Toronto .....	2,275 00	
New Parliament Buildings .....	11,665 01	
Algoma District .....	1,500 00	
Thunder Bay District .....	250 00	
Muskoka District .....	200 00	
Parry Sound District.....	250 00	
Nipissing District .....	700 00	
Rainy River District.....	900 00	
Eastern Dairy School .....	400 00	
Miscellaneous .....	17,500 00	
		\$147,238 01

## PUBLIC WORKS.

To defray expenses of Public Works .....	60,300 00
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## COLONIZATION ROADS.

To defray expenses of Construction and Repairs .....	110,390 00
	CHARGES

## CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands .....	\$169,645 00
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## REFUNDS.

Education .....	\$1,000 00	
Crown Lands .....	18,500 00	
Municipalities Fund .....	973 28	
Land Improvement Fund.....	2,353 54	
		<u>22,826 82</u>

## STATUTE CONSOLIDATION.

To defray expenses of Statute Consolidation .....	34,000 00
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## MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure .....	208,100 00
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## UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses .....	50,000 00
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Total estimates for expenditure of 1898.....	<u>\$3,637,824 75</u>
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## SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-nine, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1899.....	\$80,000 00
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Total.....	<u>\$3,717,824 75</u>
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## CHAPTER 2.

An Act respecting the Revised Statutes of Ontario,  
1897.*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Revised Statutes of Ontario, as printed by the Queen's Printer, and declared by proclamation of the Lieutenant-Governor in Council, dated the 24th day of December, last past, to come into force on, from and after the 31st day of December last past, have been on, from and after said day, and shall hereafter be in force in this Province, to all intents and purposes as though the same were expressly embodied in, and enacted by, this Act, to come into force and have effect on, from and after said day subject however to the provisions of section 9 and following sections of the Act, chapter 3 of the Acts passed by the Legislature of this Province in the sixtieth year of Her Majesty's reign, intituled *An Act to provide for the Consolidation of the Statutes of Ontario*, and to the Act passed in the present session of the Legislature.

Revised  
Statutes, 1897  
confirmed.

2. On, from and after the said 31st day of December last past, all the enactments in the several Acts and parts of Acts mentioned in Schedule A appended to the said Revised Statutes, have been and shall remain repealed to the extent mentioned in the third column of said Schedule A, save only as is provided in sections 6, 7 and 8 of the said Act intituled *An Act to provide for the Consolidation of the Statutes of Ontario*, and save as provided in any Acts passed during the present session of the Legislature.

Repealed  
enactments

60 V. c. 3.

3. The Legislature is not by reason of the passing of this Act to be deemed to have adopted the construction which may, by judicial decision or otherwise, have been placed upon the language of any of the statutes included amongst the Revised Statutes.

Judicial  
interpretation  
not adopted.

## CHAPTER 3.

## An Act to amend the Act respecting Voters' Lists.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.7,  
s. 16, repealed.     **1.** Section 16 of *The Ontario Voters' Lists Act*, being chapter 7 of the Revised Statutes of Ontario, 1897, is repealed and the following substituted therefor:—

Judge to correct list as evidence may warrant.

16. If on complaint or appeal to strike out of the list the name of a person entered therein as a voter, the judge, from the evidence produced and given before him, is of the opinion that the person is entitled to be entered on the list in any character or because of property or qualification other than that in which he is already entered in the list, or because he has resided in the electoral district wherein he is then residing continuously for twelve months next preceding the last day on which complaint could be made to the county judge to strike his name out of the said list, even although he may not then be a resident of the municipality for which said voters list court is then being held, but who is resident in the said electoral district and who is possessed of the qualifications entitling him to vote under the provisions of *The Manhood Suffrage Act*, and is not already entered on any voters list of any other municipality within said electoral district, the judge shall not strike the name of the person from the list, but shall make such corrections in the list as the evidence in his opinion warrants with respect to the right character and qualifications of the person to be a voter, and shall note upon the voters' list the residence of such person at the time of the revision of such list.

Removal to another municipality in same electoral district.

2. No affidavit or declaration shall be used upon the revision of a voters' list which is sworn or acknowledged before a candidate for the Legislative Assembly or before a solicitor or agent who is acting for either side.

Affidavits not to be sworn before candidates or agents.

3. *The Ontario Voters' Lists Act* is amended by adding thereto the following section:—

Rev. Stat. c. 7, amended.

9a.—(1) The clerk of the municipality shall keep a book in which he shall enter particulars showing the day on which the copies of the alphabetical list were posted up by him and were transmitted to each of the persons mentioned in sections 8 and 9, and also whether such copies were delivered personally or transmitted by post. There shall be added to each such statement of particulars an affidavit or statutory declaration verifying the same.

Books of record to be kept by clerk.

(2) Any clerk who fails or omits to comply with the provisions of this section and of sections 8 and 9 shall for each omission incur a penalty of \$200, and shall also be liable to be imprisoned for a period not exceeding three months in default of payment.



## CHAPTER 4.

## An Act to amend The Manhood Suffrage Registration Act.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat.  
c. 8, s. 4,  
amended.

1. Section 4 of the Act in the Revised Statutes of Ontario (1897), chapter 8, is amended by inserting between the word "and" and the word "was" in the fifteenth line the following: "in the cases of the cities of Toronto and Hamilton, and of any other municipality which may hereafter be divided into two or more electoral districts."

Rev. Stat.  
c. 8, s. 5,  
sub-ss. 1 and 2  
amended.

2.—(1) Sub-sections 1 and 2 of section 5 of the said Act are amended by repealing the words "four days" wherever they appear in said sub-section, and by substituting in place thereof "four days in cities and two days in other municipalities."

Rev. Stat. c.  
8, s. 7, sub-s. 2,  
amended.

(2) Sub-section 2 of section 7 of the said Act is amended by striking out all the words in the said sub-section after the word "election" in the 4th line thereof.

Rev. Stat. c. 8,  
s. 11 repealed.

3. Section 11 of the said Act is repealed and the following substituted therefor :—

Oath of regis-  
trar.

11. Every registrar, before acting as such, shall take and subscribe before the chairman, or an *ex officio* registrar, or any justice of the peace, the oath shown in form 2 in the schedule hereto.

Rev. Stat. c. 8,  
s. 12, repealed.

4. Section 12 of the said Act is repealed and the following substituted therefor :—

Appointment  
of chairman  
*pro tem.*

12. The Lieutenant-Governor in Council may, at any time before or after the issue of a proclamation dissolving the Legislative

lative

lative Assembly, appoint one of the *ex officio* members of the board to be chairman *pro tempore*, for the purpose of more conveniently carrying out the provisions of this Act, or of calling a meeting of the said board to make the necessary arrangements for carrying out the provisions of this Act; and the board may at their first or any subsequent meeting or vacancy, appoint a chairman who shall hold office during the pleasure of the board, or until the next general election.

(2) In case the Lieutenant-Governor in Council does not make such appointment of a chairman prior to the issue of such proclamation, or in case the appointed chairman ceases to be a member of the board, then two *ex officio* registrars shall call such meeting of the board immediately after the issue of the proclamation or of a writ for a by-election, for the purpose of making the necessary arrangements for carrying out the provisions of this Act.

*Ex-officio registrars calling meeting.*

5. Section 13 of the said Act is amended by adding the following sub-section thereto:—

Rev. Stat. c. 8, s. 13 amended.

(3) The place provided by the said municipal corporation for holding such sittings shall be approved by the said board or by some member thereof authorized to approve of the same on behalf of the said board, and if not so approved, the board or such member may select a satisfactory place.

Approval of place of registration by board.

6. Section 24 of the said Act is amended by striking out the words "and after six of the clock in the evening," occurring in the 5th line of the said section, and by adding thereto the following sub-section:—

Rev. Stat. c. 8, s. 24, amended.

(2) The requirements as to sitting after six o'clock in the evening shall apply to the Registrars for towns having a population of 3,000 or over by the latest census of Canada for one evening of said sittings only.

7. Sub-section 2 of section 26 of the said Act is hereby repealed, and the following is substituted in lieu thereof:—

Rev. Stat. c. 8, s. 26 sub. 2 repealed.

(2) The chairman shall also see that each registrar is furnished with a book demy size containing such number of forms of the oaths shown in Forms 9 and 10 of the Schedule hereto as may appear necessary.

Book of oaths.

8. Section 28 of the said Act is amended by adding the following sub-section thereto:—

Rev. Stat. c. 8, s. 28 amended.

(6) Each such board of appeal may appoint one of the registry clerks to be clerk to the said board.

Clerk of board of appeal.

9. Section 29 of the said Act is amended by inserting after the word "board" in the second line the words "or from the chairman of the board of appeal, or from one of the *ex officio* registrars."

Rev. Stat. c. 8, s. 29, amended.

Rev. Stat. c.  
8, s. 30,  
amended.

**10.** Section 30 of the said Act is amended by adding the following sub-section thereto :—

(3) The said lists shall be certified by the chairman of the board of appeal as shown in forms 11 and 12 in the schedule hereto.

Printing and  
distributing  
books among  
registrars.

**11.** The Lieutenant-Governor in Council may cause the books and forms mentioned in section 44 of the said Act to be prepared and printed, and he may either distribute the same to the several clerks of the peace for the use of the registrars in any municipality or electoral division to which this Act applies, or he may cause sample copies thereof to be prepared and delivered to the clerk of the peace as aforesaid. The clerk of the peace shall, upon receipt of such copies, deliver to the chairman of the board a sufficient number of books and forms for the use of the registrars where copies are so delivered to him; and where a sample copy is so delivered to him he shall immediately obtain or cause to be printed a sufficient number of copies for the use of the registrars, and shall deliver the same to the chairman of the board for the purposes aforesaid.

Rev. Stat. c.  
8, s. 44 amend-  
ed.

**12.** Section 44 of the said Act is amended by inserting at the commencement of the section: "In case the books and forms required for the registration of voters are not supplied by order of the Lieutenant-Governor in Council."

Rev. Stat. c.  
8, s. 45,  
amended.

**13.** Section 45 of the said Act is amended by striking out the word "trial," in the sixth line thereof, and substituting in lieu thereof the word "election."

Rev. Stat. c.  
8, s. 46,  
amended.

**14.** Section 46 of the said Act is repealed and the following substituted therefor :—

Corrupt  
practices.

46.—(1) The following persons shall be deemed guilty of an offence against the provisions of this Act and shall be punishable accordingly :—

Bribery.

(a) Every person who, before or during the sittings for the registration of manhood suffrage voters in any municipality or electoral district, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, or office, place or employment, for himself or any other person, for being registered as a voter, or for agreeing to be registered as a voter, or for refraining or agreeing to refrain from being registered as a voter ;

(b) Every person who, after any such sittings, directly or indirectly, by himself or by any other person on his behalf, receives any money, gift, loan, or valuable consideration, or accepts any office, place or employment



ment on account of his or any other person having registered or refrained from being registered as a voter, or having induced some other person to register or to refrain from being registered as a voter at any such sittings;

(2) Every person who, before or during the said sittings, <sup>Treating.</sup> shall either provide or furnish drink or other entertainment at his own expense, or at the expense of any other person, to any meeting of persons assembled for the purpose of promoting the registration of persons as voters, or pay or promise or engage to pay for such drink or other entertainment: except only that nothing herein contained shall extend to any entertainment furnished to any such meeting by or at the expense of any person or persons at his, her, or their usual place of residence, unless where the entertainment is given or supplied for the purpose of procuring or inducing any person or persons to be registered or to agree to be registered or to refrain from being registered or to agree to refrain from being registered as a voter;

(3) Every person who, before or during or after the said sittings, shall, by himself or by or with any person, or by any other ways or means on his behalf, give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay wholly or in part any expenses incurred or give any ticket or order, for any meat, drink, refreshment or provision to or for any person, in order to induce such person to be registered, or for being registered, or to refrain from being registered, or for the purpose of in any way influencing any other person to be registered, or to refrain from being registered as a voter at the said sittings; <sup>Providing refreshments.</sup>

(4) Every person who shall hire or promise to pay or pay <sup>Hiring teams etc.</sup> for a horse, team, carriage, cab or other vehicle, to convey persons intending to apply or applying to be registered or registered as voters to or near or from the municipality or place for the registration of manhood suffrage voters, or from the neighborhood thereof, at any such sittings, or the payment by any person, or by any other person on his behalf, of the travelling and other expenses of a person in going to or returning from any such sittings;

(5) Every person who shall provide or furnish conveyance <sup>Railway transportation.</sup> or transportation by railway free of charge or at diminished rates to persons intending to apply or applying to be registered or registered as voters to or from or on the way to or from the municipality or place in which such sittings are held, and whether passes or tickets or the like are or are not supplied.

(6) Every person who applies to be registered in the name <sup>Personation.</sup> of some other person, whether such name be that of a person living or dead, or of a fictitious person, or who, having been once

once registered as a voter in an electoral district, applies at any time after such registration and before the election to be again registered under this Act either in the same or in another electoral district, except as authorized by section 6 of this Act.

Aiding and  
abetting.

(7) Every person who, directly or indirectly, aids or abets, counsels or procures the commission of the offence described in the preceding subsection.

Fraudulent  
registration.

(8) Every person who wilfully applies for registration, or who registers as a manhood suffrage voter at any such sitting, knowing at the time that he has not the necessary qualifications or lawful right to apply for such registration or to be registered as such voter at such sitting or to vote at the election.

Procuring  
fraudulent  
registration.

(9) Every person who, directly or indirectly, wilfully abets, induces or procures any such person to apply for registration or to be registered as such voter at any such sittings, knowing at the time that such person has not the necessary qualifications or lawful right to apply for registration or to be registered as such voter at such sittings or to vote at the election.

Penalty.

(10) Every person found guilty of an offence against the provisions of this section shall for each offence be subject to a penalty of not less than \$20 and not more than \$100, and shall also be disqualified from being registered as a voter, either under this or any other Act for the registration of voters, or having his name entered or retained on any voters' list as a voter, or from voting at any election for three years thereafter.

Striking off  
names on con-  
viction.

(11) Any county judge on the complaint of any person, whether a voter or not, at any time after the conviction of such person, may in a summary manner, and on proof of such conviction, strike off the name of such person from the voters' list or voters' lists upon which his name appears to have been entered for any polling sub-division within the jurisdiction of such county judge. And the clerk of the peace, or other officer having the custody of such voters' list or lists shall attend the said county judge whenever required so to do for the purpose of having the name of such person struck off as aforesaid.

Rev. Stat. c.  
8, s. 51 amend-  
ed.

15. Section 51 of the said Act is amended by adding the words "in any city" after the word "employed," in the first line of said section; and by adding the words "Treasurer, upon the presentation of the certificate of the Registrar, approved on behalf of the Board by the chairman of such Board," immediately after the word "city," in the fifth line of the said section.

**16.** The following shall be added to the said section 51 as sub-section 2: Rev. Stat. c. 8, s. 51 amended.

(2) And for their services under the Act, the officers employed in any town shall be entitled to be paid as follows: each registrar, whether *ex officio* registrar or otherwise, \$4 for each day on which a sitting for registration is held; and each registry clerk \$2 for each such day; and such sums shall be paid by the treasurer of the town, upon the presentation of the certificate of the Registrar, approved on behalf of the Board by the Chairman of such Board. The Chairman shall be paid by the Province the further sum of \$5 for his services under this Act. Fees of registrars and registry clerk in towns. Fees of chairman.

**17.** Forms 6 and 7 in the schedule to the said Act are amended by striking out in the heading thereof the words "To the Registrar of the Electoral District of" and inserting in lieu thereof the words "To the Registrar of Registration District No. , in the ". Rev. Stat. c. 8, Forms 6 and 7 of schedule amended.

**18.** Forms 8, 9 and 10 in the schedule to the said Act are repealed and the forms 8, 9 and 10 in the schedule hereto are substituted in lieu thereof. Form 12 shall apply to notices of appeal under section 28 of the said Act. Rev. Stat. c. 8, Forms 8, 9, 10 of schedule repealed.

**19.** A special sitting for the registration of manhood suffrage voters shall be held in the townships of Hagarty and Sherwood, two of the united townships of Hagarty, Sherwood, Burns, Jones and Richards, in the electoral district of South Renfrew, and in the township of South Algona, in the electoral district of North Renfrew; within fifteen days after the passing of this Act; and the members of the Board of Manhood Suffrage Registrars for the said townships shall be Thomas Deacon, Esquire, Junior Judge of the county of Renfrew, and John G. Forgie and John J. O'Meara, Barristers-at-Law, Esquires, of the town of Pembroke, and such other registrars as they may appoint. Special sitting, time for, and members of Board.

**20.** The provisions of the said Act and of this Act applicable to towns, unless where it is herein otherwise provided, shall *mutatis mutandis* for the purposes of the next general election, apply to the said townships; and the said Board and the Chairman and members thereof, shall have and possess, in respect of the said townships, all the powers and authorities, and shall perform all the duties imposed upon them, or upon the Boards in towns to which the said Act applies, in so far as the same may be applied to townships in dividing the said townships into registration districts, appointing and assigning registrars to such districts, providing convenient places for holding the sittings of such registrars, and all such other matters and things as may be necessary for carrying out the provisions of the said Act and of this Act as applied to the said

townships.



townships. The said registrars, and registrars appointed and assigned to the respective registration districts in such townships, and the registry clerks appointed by them shall perform all the duties and possess all the powers and be entitled to the allowances and travelling expenses as in the case of towns having less than 3,000 population, and shall be subject to all the penalties provided by the said Act and this Act: and appeals from such Registrars to the Board of Appeal shall be regulated as provided by the said Act and by this Act.

Hours of  
sittings.

**21.** The sittings in each of such township registration districts shall be held on one day, commencing at nine of the clock in the forenoon and shall continue until six of the clock in the evening, with an intermission of one hour from twelve of the clock, noon, until one of the clock in the afternoon.

Voters' lists to  
be used, elec-  
tions in town-  
ships.

**22.** The list of voters containing the names of persons registered pursuant to the provisions of sections 19 to 23 inclusive of this Act duly certified and delivered to the clerk of the peace, as required by the 38th and 39th sections of the said Act, shall, with the other lists of voters duly deposited with the said clerk, prepared under *The Voters' Lists Act*, be used at the next general election hereafter to be held, and at any by-elections to be held before the preparation and delivery to the clerk of the peace of new voters' lists prepared under *The Voters' Lists Act* before the date of the election writ; but it shall be sufficient if the lists prepared under this section shall be delivered to the clerk of the peace on or before the day of nomination.

Preparation  
of list, who to  
be entered.

**23.** In preparing the list under the said sections, the names only of those entitled to vote in said municipalities, respectively, shall be registered, who are not entered upon the list prepared under *The Voters' Lists Act*, and who possessed the necessary qualification of residence and otherwise to be placed upon the voters' lists of said municipalities at the time of the last final revision thereof.

Consolidation  
of Act with  
Rev. Stat. c.8.

**24.** The Law Clerk is authorized to consolidate this Act with *The Manhood Suffrage Registration Act* for the purposes mentioned in section 52 of the said Act.

## SCHEDULE.

## FORM 8.

(Section 29.)

ORDER FOR THE ATTENDANCE OF WITNESSES BEFORE THE BOARD OF  
APPEAL.

To (a)

Greeting :

You (b) are hereby required to attend in your proper person before the Board of Appeal for the Registration of Manhood Suffrage Voters at in the of on (c) the day of 18 at the hour of of the clock in the noon to testify to all matters and things which you know in the matter of the appeal of (d) of No. , on street in this (e) (f) against the decision of the Registrar of the Registration District, No. , respecting the application of (g) of No. on street in the (e) (f) to be registered as a Manhood Suffrage Voter, which appeal is to be then tried, and so from day to day until the said appeal is disposed of ; and herein fail not.

Dated at this day of 18

.....

NOTES.—(a) Insert here the name of the witness, or names of the witnesses.

(b) If more than one witness, add "and each of you."

(c) Insert here the day of the week.

(d) Insert here the name of the appellant.

(e) Insert here "city" or "town," as the case may be.

(f) State here the occupation of the party or parties.

(g) Insert here the name of the person whose application for registration was allowed or rejected by the Registrar, and which is the subject of the appeal.

## FORM 9.

(Section 26.)

## FORM OF OATH TO BE TAKEN BY A MANHOOD SUFFRAGE VOTER APPLYING FOR REGISTRATION IN THE POLLING SUB-DIVISION IN WHICH HE RESIDES.

1. You swear (a) that your name is (b) and that you are by occupation a (c)
2. That you are a British subject
3. That you are over the full age of 21 years.
4. That you have resided within this Province for the twelve months next preceding the (d) day of 18 (e)
5. That you are now and were on the said day, and for three months next preceding the same, a resident of, and had your home in, this municipality.
6. That you now reside at (f)
7. That you are not entered on the revised list of voters for this municipality to be used at this election, as entitled to vote at both municipal elections and elections to the Legislative Assembly.

8. That you have not been registered prior to this date either at this or any other sittings held for the registration of Manhood Suffrage Voters entitled to vote at this election to the Legislative Assembly, nor have you been entered, or registered, on any other list of persons or voters entitled to vote at this election for the Legislative Assembly, either in this or any other electoral district in this Province, under which entry or registration you can vote in any other municipality in the Province at this election.

9. That you are not otherwise disqualified or prohibited from voting at this election to the Legislative Assembly, and are as you believe entitled to vote thereat.

10. That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to promise to vote, or to apply for registration as a voter, or for loss of time, travelling expenses, hire of team, or any other service connected therewith. So help you God.

.....  
Registrar.

*And in the cases of the cities of Toronto and Hamilton, and of any other municipality which may hereafter be divided into two or more Electoral Districts, add the following clause :*

11. That you are now, and were on the said day and for the thirty days next preceding the same a resident of and had your home within the territory comprising this electoral district.

NOTE.—*In the case of the Townships of Hagarty, Sherwood and South Alcona, in preparing the lists of Manhood Suffrage voters under sections 19-23 of 61 Vict. cap. 4, in place of paragraphs 4 and 5 above, insert the following :*

4. That you have resided within this Province for nine months before the \_\_\_\_\_ day of \_\_\_\_\_, being the day fixed by statute (or by by-law authorized by statute) for beginning to make the assessment roll in which you were entitled to be entered as a person qualified to vote.

5. That you were at the date aforesaid in good faith a resident of and domiciled in this municipality ; that you have resided in this electoral district continuously from the said date (e) and that you are now actually residing and domiciled therein.

*or, at the choice of the applicant :*

4. That you have resided within this Province for twelve months before the \_\_\_\_\_ day of \_\_\_\_\_, being the day up to which complaint could be made to the county judge under the *Ontario Voters Lists Act* to insert the name of any person in the list for 1897.

5. That you were at the date aforesaid in good faith a resident of and domiciled in this municipality ; that you have resided in this electoral district continuously from the said date (e) and that you are now actually residing and domiciled therein.

NOTES —(a) If the applicant is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

(b) Insert here the full name of the applicant.

(c) Insert here the occupation of the applicant, or if the applicant has no occupation, state the fact.

(d) Insert here the date of the FIRST sitting held for the registration of voters.

(e) In case the applicant has been temporarily absent for any of the purposes allowed by law insert the words following, "except occasionally or temporarily, in the prosecution of your occupation of (mentioning, as the case may be, as a lumberman or a mariner or a fisherman or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.)"

(f) Insert here the street and number of the house where the applicant resides if it has a street number, and if it has not then insert instead a brief description that will define its locality.



## FORM 10.

(Sections 6 and 26.)

FORM OF OATH TO BE TAKEN BY A MANHOOD SUFFRAGE VOTER ON  
APPLYING FOR REGISTRATION UNDER SECTION 6.

1. You swear (a) that your name is (b)  
and that you are by occupation a (c)
2. That you are a British subject.
3. That you are over the full age of 21 years.
4. That you have resided within this Province for the twelve months  
next preceding the (d) day of 18 (e)
5. That you are now, and were on the said day, and for the three  
months next preceding the same, a resident of, and had your home in, this  
municipality.
6. That you now reside at (f)
7. That your name is entered on the revised voters' list for this municipi-  
pality to be used at this election, as entitled to vote at both municipal  
elections and elections to the Legislative Assembly, but that you are not  
now entitled to vote at this election in respect of that qualification.
8. That save as aforesaid you have not been registered prior to this date,  
either at this or any other sittings held for the Registration of Manhood  
Suffrage Voters for this election to the Legislative Assembly, nor have  
you been entered or registered on any other list of persons or voters  
entitled to vote at this election for the Legislative Assembly, either in this  
or any other electoral district in this Province, under which entry or  
registration you can vote in any other municipality in the Province at this  
election.
9. That you are not otherwise disqualified or prohibited from voting at  
this election to the Legislative Assembly, and you are as you believe  
entitled to vote thereat.
10. That you have not received anything, nor has anything been pro-  
mised you either directly or indirectly, either to induce you to promise to  
vote or to apply for registration as a voter or for loss of time, travelling  
expenses, hire of team or any other service connected therewith. So help  
you God.

.....  
Registrar.

*And in the cases of the cities of Toronto and Hamilton and of any other  
municipality which may hereafter be divided into two or more electoral  
districts, add the following clause:*

11. That you are now and were on the said day and for the thirty days  
next preceding the same a resident of and had your home within the  
territory comprising this electoral district.

NOTES.—(a) If the applicant is a person who may by law affirm in civil cases  
then for "swear" substitute "solemnly affirm."

(b) Insert here the full name of the applicant.

(c) Insert here the occupation of the applicant, or if the applicant has no occupa-  
tion, state the fact.

(d) Insert here the date of the FIRST sitting held for the registration of voters.

(e) In case the applicant has been temporarily absent for any of the purposes  
allowed by law, insert the words following, "except occasionally or temporarily, in  
the prosecution of your occupation, (mentioning, as the case may be, as a lumberman  
or a mariner or a fisherman or in attendance as a student in an institution of learn-  
ing in the Dominion of Canada, naming the institution)."

(f) Insert here the street and number of the house where the applicant resides if  
it has a street number, and if it has not then insert instead a brief description that  
will define its locality.

FORM

## FORM 11

(Section 30.)

The Board of Appeal for the Registration of Manhood Suffrage Voters for the \_\_\_\_\_ of \_\_\_\_\_ have on appeal given certificates to the following persons, upon which such persons are entitled to vote at this election in the following polling subdivisions of the said (municipality or electoral district, as the case may be)

## POLLING SUB-DIVISION No. .

NAME.	NUMBER OF HOUSE, LOT OR BLOCK.	STREET OR OTHER DESCRIPTION	OCCUPATION.

## POLLING SUB-DIVISION No. .

NAME.	NUMBER OF HOUSE, LOT OR BLOCK.	STREET OR OTHER DESCRIPTION	OCCUPATION.

.....  
Chairman.

FORM 12.

(Section 30.)

The Board of Appeal for the Registration of Manhood Suffrage Voters for the \_\_\_\_\_ of \_\_\_\_\_ have on appeal, struck off the names of the following persons from the list of Manhood Suffrage Voters in the following polling subdivisions in the said (municipality or electoral district, as the case may be).

POLLING SUB-DIVISION No. .

NAME.	NUMBER OF HOUSE, LOT OR BLOCK.	STREET OR OTHER DESCRIPTION	OCCUPATION.

POLLING SUB-DIVISION No. .

NAME.	NUMBER OF HOUSE, LOT OR LOCK.	STREET OR OTHER DESCRIPTION	OCCUPATION.

Chairman.



## FORM 13.

(Section 28.)

## NOTICE OF APPEAL AGAINST THE DECISION OF A REGISTRAR.

To the Registrar of Registration District No. .

Take notice that I hereby appeal to the Board of Appeal for the Registration of Manhood Suffrage Voters against the (a) by the Registrar of the above Registration District of the application of (b) of No. on street in this (c) to be registered as a Manhood Suffrage Voter.

Dated this day of 18  
 of No. on street  
 (c)

NOTES.—(a) Insert here “allowance” or “rejection” (as the case may be.)

(b) Insert here the name of the party or parties whose application for registration was allowed or rejected by the Registrar. Notice must also be given to the party whose application has been allowed by the Registrar and whose name is sought to be struck off the registration list.

(c) Insert here the occupation of the party or parties.

## CHAPTER 5.

## An Act to amend The Election Act.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 197 of *The Ontario Election Act* is amended by adding thereto the following sub-sections:— Rev. Stat. c. 9,  
s. 197, amended

(2) "Personal expenses of a candidate" when used in this section shall include among other things the following expenses, and payment therefor may lawfully be made by the candidate personally: "Personal expenses of candidate," what to include.

(a) A reasonable and bona fide rent or hire of halls or other places used by the candidate personally in which to address public meetings of electors; and the expenses incurred in heating, lighting or cleaning same when necessary;

(b) Tolls on toll roads;

(c) The reasonable, ordinary and necessary hotel expenses of one speaker for each meeting, (not including expenditure for treating) who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate;

(d) Reasonable charges for the hire and keep of horses and hire of conveyances for the use of the candidate in travelling to and from public meetings and in canvassing in the constituency and reasonable and ordinary charges for the services and maintenance of a driver when one is employed by the candidate.

(e) The

- (e) The charges for use by the candidate personally of not more than one team and conveyance, and the services of a person as driver, on the day of the poll; and the carriage of voters to the poll in such conveyance personally by the candidate shall not be a violation of this Act.

*Onus prolandi.* (3) The onus of showing that the personal expenses so paid by the candidate, as aforesaid, were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation, shall be upon the candidate.

Receipt of ordinary and reasonable charges, when not to disqualify voter.

(4) Notwithstanding anything in *The Ontario Election Act* contained, the receipt of the ordinary and reasonable charges by the owner or possessor of a hall or room in which to hold *bona fide* public meetings for the purposes of the election, by a printer for printing voters' lists, election addresses or advertisements or notices of election meetings, or of a regularly established livery-keeper for the hire of horses and vehicles used in connection with and for the proper purposes of the election, except carrying voters to the polls by persons other than the candidate, acting in accordance with paragraph e of sub-section 2 of this section, shall not disqualify the person so receiving the same from voting, and shall not be held to be within the meaning of the following words in the elector's oath, viz.: "Hire of team or any other service connected therewith."

Rev. Stat. c. s. 61, sub-s. 1, amended.

2. Sub-section (1) of section 61 of *The Ontario Election Act* is amended by striking out from the list of polling places in unorganized territory in the Electoral District of Algoma West, "Harold Lake" and "Sturgeon Falls"; and it shall not be necessary at any election hereafter held to open and hold any poll at either of the above mentioned places or to post thereat any proclamation connected with elections.

Rev. Stat. c. 9, s. 67, repealed.

3. Section 67 of *The Ontario Election Act* is hereby repealed, and the following substituted therefor:—

Township clerks, assessors and collectors as deputy-returning officers.

67. In townships divided into polling sub-divisions under this Act, the township clerk, if not a candidate, shall be appointed by the returning officer to be a deputy returning officer unless he is absent or incapacitated from any cause; and in case of his absence or incapacity, a township assessor or collector, unless absent or unless he is in the opinion of the returning officer incapacitated from any cause, shall be appointed a deputy returning officer.

Rev. Stat. c. 9, s. 43, sub-s. 5 and 6 repealed.

Polling places in cities.

4. Sub-sections 5 and 6 of section 43 of the said Act are hereby repealed, and the following substituted therefor:

(5) In cities the returning officers shall provide suitable polling places, but shall before so doing, when practicable, confer with the city clerk or treasurer, and the expense thereof, not exceeding



exceeding six dollars for each polling place, shall be paid by the treasurer of the city upon the order of the returning officer.

5. Where in any of the certificates or forms to be used at an election for the Legislative Assembly reference is made to the last day for making a complaint to the County Judge, it shall not be necessary to specify any section of *The Ontario Voters' Lists Act, 1889*, or of the Revised Statute respecting Voters' Lists, 1897, but it shall be sufficient to refer to *The Ontario Voters' Lists Act*.

References to last day for making complaints under Rev. Stat. c. 7.

6. That part of Thunder Bay District which now forms part of the Electoral District of East Algoma is hereby taken from such last mentioned Electoral District and is added to and shall hereafter form part of The Electoral District of West Algoma.

Part of Thunder Bay transferred to electoral district of West Algoma.

7. The Clerk of the Peace of Algoma shall forthwith transmit a certified copy of the voters' list for that part of the Electoral District of East Algoma, mentioned in the next preceding section, to the Clerk of the Peace for the District of Thunder Bay, at Port Arthur, and the persons whose names are duly entered on such lists shall, saving all just exceptions, be entitled to vote at the election to be held at the next general election for West Algoma.

Transmission of voters' lists to clerk of the peace.

8. The last list of voters for municipalities on Manitoulin Island, duly certified and received by the Clerk of the Peace for Algoma, at least seven days before the date fixed for the nomination of candidates, shall be the proper list to be used for the purpose of an election to the Legislative Assembly at the next general election after the passing of this Act.

Voters' lists for municipalities in Manitoulin confirmed.

9. Section 9 of *The Ontario Election Act* is hereby amended by inserting the words "or town" after the word "city" in the sixteenth line of the said section.

Rev. Stat. c. 9, s. 9, amended.

10. This Act shall be read with, and as part of *The Ontario Election Act*.

Act to be read with Rev. Stat c. 9.

## CHAPTER 6.

## An Act to amend the Act respecting the Public Service of Ontario.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Civil servants  
and retiring  
allowance.

1. Where any person shall, after the first day of January, 1898, become a member of the civil or public service of the Province of Ontario, he shall not be entitled to a retiring allowance upon retiring from such service, nor shall his family be entitled to any such allowance in case of the death of such civil or public servant.

## CHAPTER 7.

## An Act to provide for the Garnishment of the Salaries of Civil Servants.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The word “employee” when used in this Act shall for the purposes of this Act mean any officer, clerk or messenger or other employee of the Government of the Province attached or belonging to the departmental staff of the civil service of Ontario at the seat of Government, and shall also include the officers, clerks and employees of the Government of the Province attached or belonging to the offices of the Courts mentioned in section 32 of *The Ontario Public Service Act*.

Interpretation:

Rev. Stat. c.  
15.

2. Where a debt or money demand not being strictly a claim for damages is due and owing to any party from an employee, either on a judgment or otherwise, and a debt is due and owing to such employee from the Crown, the party to whom the first mentioned debt or money demand is so due and owing (hereinafter designated the creditor) may recover in the manner herein provided any debt due or owing to the employee from the Crown, or sufficient thereof to satisfy the claim of the creditor subject always to the rights of other parties to the debts owing from the Crown.

Creditor may  
garnish money  
owing by  
Crown to  
civil servant.

3. The creditor may serve a notice personally on the Treasurer of the Province or on the Assistant Treasurer, or on some officer appointed by the Treasurer to receive the same, specifying the nature of the claim, and shewing the name and residence of the employee and the nature of his occupation in the

May serve  
notice on  
Provincial  
Treasurer.

service



service of the Crown ; and the service of such notice upon the Treasurer or Assistant Treasurer shall have the effect subject to the rights of other parties of attaching and binding in the hands of the treasurer all debts then owing from the Crown to the employee, or sufficient thereof to satisfy the claim of the creditor, to the same extent as a garnishing or attaching order issued by or from a court of law.

Treasurer to  
retain money  
due.

4. After service of a notice as hereinbefore provided, the Treasurer shall when the creditor's claim is a judgment, retain all moneys then owing from the Crown to the employee, or sufficient thereof to satisfy the judgment, and a payment into court or to the creditor, or where an execution is in the hands of the sheriff or bailiff, then to the sheriff or bailiff, of the amount due to the employee, or of the amount due and costs unsatisfied on the judgment shall be a discharge to that extent of the debt owing from the Crown to the employee.

Dispute notice

5. Where judgment has not been recovered for the claim, the creditor besides serving a notice on the Treasurer or Assistant Treasurer, as in section 2 is provided, shall also serve a copy of such notice on the employee together with a memorandum requiring the employee if he disputes the claim to file a disputing note with the Assistant Treasurer within ten days from the date of service.

Where no  
dispute.

6. If no disputing note is filed, the treasurer on being satisfied that notice has been served on the employee shall retain any moneys due and owing to such employee, and pay the same or a sufficient part thereof to satisfy the creditor's claim, subject to the provisions of the 9th section of this Act.

Where dispute  
notice filed.

7. If a note disputing the claim is filed, the Treasurer may with the consent of all parties determine whether any and what sum (if any) is due by the employee to the creditor upon the claim, or he may require the creditor to bring an action therefor against the employee, and in such case he shall retain any moneys due and owing to the employee to abide the result of the action, or sufficient to pay any claim and costs which may be recovered in the action against the employee, provided such action is promptly prosecuted to judgment.

Treasurer to  
keep book.

8. There shall be kept in the Treasury Department an attachment book in which shall be entered the names of parties, the dates of service of notices, the statement of claims, and the amount if any due and owing to the employee at the time of service.

To apply to  
debts here-  
after con-  
tracted.

9. This Act shall not apply to any debt contracted before the passing hereof, nor to any debt which does not exceed the sum of \$25, and then only to the extent of the excess, nor

where

where the amount due to the employee does not exceed \$25, and then only to the extent of the excess, unless where such last mentioned debt was contracted for board or lodging.

**10.** Nothing in this Act shall authorize the bringing or maintaining of a suit against the Province or the Government or Treasurer thereof without the fiat of the Attorney-General, first had and obtained in accordance with the present practice.

**11.** This Act shall come in force on the first day of May next. Commence-  
ment of Act.

## CHAPTER 8.

## An Act respecting Water Powers.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Reservation  
of water  
power on  
Crown lands.

1. The Commissioner of Crown Lands may reserve from sale any water power or privilege on the Crown Lands of the Province and a sufficient area of land in connection therewith, for the erection of buildings and plant, together with the right to lay out and use such roads as may be necessary for passage to and from such water power or privilege and land, and may under regulations to be approved by the Lieutenant-Governor in Council, make terms and conditions upon which such water power and land so reserved may be sold, or leased, and developed.

## CHAPTER 9.

## An Act respecting the Manufacture of Pine cut on the Crown Domain.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All sales of pine timber limits or berths by the Commissioner of Crown Lands which shall be hereafter made, and all licenses or permits to cut pine timber on such limits or berths thereafter granted by the Commissioner, shall be so made or granted subject to the condition set out in the first regulation of Schedule A of this Act, and it shall be sufficient if such condition be cited or mentioned as "The Manufacturing Condition" in all notices, licenses and permits or agreements or other writing.

Sales and licenses hereafter shall be subject to manufacturing condition.

2. The regulations set out in Schedule A to this Act are hereby approved.

Regulations confirmed.

3. The Lieutenant-Governor in Council may make any further or additional regulations necessary to enable the Commissioner of Crown Lands to carry into effect the object and intent of the regulations contained in Schedule A.

Power to make further regulations.

4. Section 1 of this Act shall come into force on the passing hereof and the other parts of this Act shall come into force on the 29th day of April, 1898.

Commencement of Act.



## SCHEDULE A.

## CROWN TIMBER REGULATIONS.

Made by Order of His Honour the Lieutenant-Governor in Council, dated the Seventeenth day of December, 1897.

(1) Every license or permit to cut pine timber on the ungranted lands of the Crown, or to cut pine timber reserved to the Crown on lands located, sold, granted, patented or leased by the Crown, which shall be issued on or after the 30th day of April, 1898, shall contain and be subject to the condition that all pine which may be cut into logs or otherwise under the authority or permission of such license or permit shall, except as herein-after provided, be manufactured into sawn lumber in Canada, that is to say, into boards, deal, joists, lath, shingles or other sawn lumber, or into waney board or square or other timber in Canada; and such condition shall be kept and observed by the holder or holders of any such license or permit, who shall cut or cause to be cut pine trees or timber under the authority thereof, and by any other person or persons who shall cut or cause to be cut any of such pine trees or timber under the authority thereof, and all pine so cut into logs or otherwise, shall be manufactured in Canada as aforesaid.

(2) Should any holder of a timber license or permit, or any servant or agent of such holder, or any person acting for him, or under his authority or permission, violate or refuse to keep and observe the condition mentioned in the preceding regulation, then and in such case the license or permit to cut pine timber on the berth, territory, lot or lots included in the license or permit, and on which or on any part of which the pine was cut, and in respect of which or any part of which there was a breach of such regulation or a refusal to observe or keep the same, shall be suspended and held in abeyance, and shall not be re-issued, nor shall a new license issue unless and until so directed by the Lieutenant-Governor in Council, and then only upon such terms and conditions as the Lieutenant-Governor in Council may impose.

(3) The Commissioner of Crown lands, his officers, servants and agents may do all things necessary to prevent a breach of the aforesaid condition or regulation, and to secure compliance therewith, and may, for such purpose take, seize, hold and detain all logs so cut as aforesaid, and which it is made to appear to the Commissioner of Crown Lands it is not the intention of the licensee, owner or holder, or person in possession of to manufacture or cause to be manufactured as aforesaid in Canada, or to dispose of to others who will have the same so manufactured in Canada, until security shall be given to Her Majesty satisfactory to the Commissioner that the said condition will be kept and observed, and that such logs will be manufactured in Canada as aforesaid; and in the event of refusal on the part of the licensee, owner or holder, or person in possession of such logs, to give such security within four weeks after notice of such seizure and demand of security by or on behalf of the Commissioner, then the Commissioner may sell or cause to be sold such logs by public auction after due advertisement to some person or persons who will give such security to Her Majesty as the Commissioner may require that such logs shall be manufactured in Canada. The proceeds of such logs shall, after such sale and after deducting all expenses of such seizure and sale, and any sum due and owing to Her Majesty for or in respect of any timber dues, trespass dues, ground rent, or on account of the purchase of any timber or timber berths by the owner, licensee or holder of a permit, or other person who has cut or caused to be cut such logs, or who is the owner or holder of the same, be paid over to the person entitled to the same.

(4) Provided, nevertheless, that nothing in the preceding regulations which requires pine logs or timber to be manufactured in Canada as aforesaid, shall apply to logs or timber cut and in use in Canada for any purpose for which logs or timber in the unmanufactured state, are or may be used.

(5) Provided further that these regulations shall not apply to the east half of the township of Aweres, in the District of Algoma, containing  $18\frac{1}{2}$  square miles, nor to 22 square miles in the District of Thunder Bay, composed of berths 2, 3 and 4 of the timber sale of 1890.

(6) The foregoing regulations shall not come into force unless and until they shall be approved by an Act of the Legislature.

## CHAPTER 10.

## An Act to establish Forest Reserves.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :—

Power to set apart reserves

1. The Lieutenant-Governor in Council shall have power to set apart from time to time such portions of the public domain as may be deemed advisable for the purposes of future timber supplies, but subject to such regulations as may be adopted under the provisions of section 4 of this Act.

Proclamation of reserves.

2. Such tracts of land so reserved shall, by proclamation in *The Ontario Gazette*, be declared to be permanent Crown Forest Reserves.

Lands reserved not to be located or sold.

3. From and after the date of such proclamation no lands within the boundaries of such reserves shall be sold, leased or otherwise disposed of, and no person shall locate, settle upon, use or occupy any such lands, or hunt, fish, shoot, trap or spear or carry or use firearms or explosives within or upon such reserves.

Control and management.

4. Such reserves shall be under the control and management of the Department of Crown Lands and the Lieutenant Governor in Council shall have power to frame regulations for the protection, care and management of the said Crown Forest Reserves.

Publication of regulations.

5. Such regulations shall be published for four consecutive weeks in *The Ontario Gazette* and shall immediately thereafter have the force of law as if herein enacted and shall be laid before the Legislative Assembly within fifteen days after its first meeting thereafter.

6. Any violation of any provision of this Act or of any regulation made thereunder shall subject the offender in addition to any other remedy to a penalty of not more than fifty dollars and costs and in default of payment thereof to imprisonment for a period of not exceeding six months, with or without hard labour unless the said penalty and costs (if costs are imposed) are sooner paid and the offender shall also be liable for all damages resulting from any such violation to be recovered in any court of competent jurisdiction.

7. Any prosecution for a violation of this Act or any regulation made thereunder may be had under *The Ontario Summary Convictions Act* before any justice or justices of the peace having jurisdiction where the offence was committed.

Prosecutions  
procedure  
thereon.

Rev. Stat.  
c. 90.

8. This Act may be cited as *The Forest Reserves Act*.

Short title.



## CHAPTER 11.

## An Act respecting Mining Claims.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat. c.  
36, s. 45, re-  
pealed.

1. Section 45 of *The Mines Act* is hereby repealed and the following substituted therefor:

Miner's  
license.

45.—(1) On payment of a fee of \$10, or such other sum as may be fixed by regulation, the Director of the Bureau of Mines (or the Inspector of a division when so authorized by the Commissioner of Crown Lands) may grant to any person, registered partnership, or mining company incorporated under the laws of the Province applying therefor a license to be called a "miner's license," which shall be in force for one year from the date thereof, and shall not be transferable except with the consent of the Director of the Bureau or the Inspector of the division.

Licensee.

(2) The person, partnership or company named in a license shall be called the "licensee," and upon payment of the fee fixed by law or regulation, and production of proof under oath that the mining conditions have been duly performed upon the claim or claims staked out and held, such licensee shall have the right to renewal if application is made therefor before the expiration of the license or within ten days thereafter.

Renewal of  
license.

Form of  
license.

(3) A miner's license may be in the following form:

Province of Ontario.

No. ....	(Name of Division) Mining Division.	\$.....
Bureau of Mines.	(Date)	18
Miner's License.		

Issued to A B, in consideration of the payment of a fee of dollars, under the provisions of *The Mines Act*, to be in force for one year from the date hereof.

C D.,

Director.

2. Section 46 of the said Act is amended by striking out the words "personally and not through another" in the first and second lines and inserting in lieu thereof the words "to explore any portion of the mining division named in his license, and"; by striking out the words "or persons not occupying any other mining claim" in the fifth and sixth lines; and by adding at the end thereof the words "and in either case the working conditions shall be deemed to be complied with when the equivalent of one man's labor for the year in actual mining has been performed as hereinafter required."

Rev. Stat. c.  
36, s. 46,  
amended.

3. Section 47 of the said Act is amended by inserting after the word "mineral" in the second line the words "in place," and by adding thereto the following subsection:

Rev. Stat. c.  
36, s. 47,  
amended.

(2) If the working conditions have been complied with as hereinafter required for a period of three years on a claim of twenty chains square, or for two years on a claim of fifteen chains square or less, or when the equivalent of such working conditions has been complied with in a less period of time in the respective cases, the licensee may apply for and obtain a patent or lease for the land embraced in the claim, free from any further working conditions, upon a survey thereof being made and filed according to section 27 of *The Mines Act*, R.S.O. 1897, and upon payment therefor to the Department of Crown Lands of the purchase price or first year's rental at a rate per acre as provided in sections 31 and 35 respectively of the said Act; and the time when the royalties may begin to be imposed or collected upon ores and minerals mined, wrought or taken from a claim so patented or leased shall be reckoned from the date of recording such claim in the Inspector's office.

Conditions  
under which  
a patent or  
lease may be  
obtained for a  
claim.

4. Section 48 of the said Act is amended by inserting after the word "mineral" in the fourth line the words "in place," and by adding thereto the following subsection:

Rev. Stat.  
c. 36, s. 48,  
amended.

(2) Where there are standing trees upon a mining claim so staked out the licensee shall be required to blaze the trees and cut the underbrush along the boundary lines of the claim, and also along a line from the first corner post to the discovery post.

Blazing and  
cutting out  
boundary lines

5. Section 49 of the said Act is amended by striking out the words "three miles" in the third line and inserting in lieu thereof the words "sixty chains"; by inserting the word "claim" after the word "mine" in the fourth line; and by adding thereto the following words: "but no licensee shall stake out and record in the same mining division, within a radius of fifteen miles, more than four claims in one calendar year, and for each additional claim after the first staked out and held by him, he shall pay a fee of \$10 a year in advance, or such other sum as may be fixed by regulation."

Right to stake  
out additional  
claims.

Dimensions of  
mining claims.

6. Section 50 of the said Act is amended by adding to the first sub-section the following words: "or of such other extent, greater or less, as may be fixed by regulation for any mining division, but so as not to exceed a square of twenty chains or 1,320 feet, containing forty acres."

Rev. Stat. c.  
36, s. 51,  
amended.

7. Section 51 of the said Act is amended by inserting after the word "supply" in the sixth line of the first sub-section, the words "under oath"; and by inserting after the word "him," in the second line of the second sub-section the words "or if having complied with them, he or any person in his behalf shall remove any post for the purpose of changing the boundaries after the plan and notice have been filed."

Rev. Stat. c.  
36, s. 52,  
repealed.

8. Section 52 of the said Act is hereby repealed and the following is substituted therefor;

Forfeitures.

52—(1) A mining claim shall also be deemed to be forfeited and abandoned and all right of the licensee therein shall cease in case the miner's license has run out and has not been renewed, or if the annual fee for a claim has not been prepaid, or if actual mining operations shall not be carried on upon each claim taken up except as hereinafter in this section provided for at least five months of one man's time, or an equivalent if more than one man is employed on the same claim, in every calendar year.

Proviso as to  
working con-  
ditions.

(2) Provided furthermore that for every four claims or less held by the same licensee, or by different persons agreeing to combine their mining operations, within a radius of one mile, all such mining operations may be carried on upon one of the claims; but notice of an intention to carry on such operations must be filed with the Inspector, and a record of all mining operations carried on by a licensee during his license year verified by oath shall be filed with the Inspector, who shall enter an abstract thereof in his book.

Licensee may  
abandon a  
claim.

(3) A licensee may at any time abandon a mining claim by giving notice in writing to the Inspector of the mining division of his intention so to do, and from the date of the record of such notice in the Inspector's book all interest of the licensee in such claim shall cease.

## CHAPTER 12

## An Act to amend The Agriculture and Arts Act.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Schedule B to *The Agricultural and Arts Act* is amended as follows;—

Rev. Stat.  
c. 43, Schedule  
B. amended.

(a) The paragraph commencing "Bruce Centre," by striking out the word "Kincardine" in the first line, and inserting after the word "Huron" the following: "The Township of Kincardine, except concessions 7, 8, 9, 10, 11, and 12, which shall be considered as a township for the purposes of the Act."

Transfer of  
portion of  
Township of  
Kincardine  
from Centre  
Bruce to North  
Bruce.

(b) The paragraph commencing "Bruce North," by striking out the word "Tiverton," and inserting instead thereof, the following: "Also the Village of Tiverton, which, together with concessions 7, 8, 9, 10, 11, and 12 of the Township of Kincardine, shall be considered as a Township for the purposes of this Act."



## CHAPTER 13.

## An Act respecting the Investment of Court Funds.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 51 amended. 1. *The Judicature Act* is hereby amended by adding thereto the following section :—

Investment of funds in Court in drainage debentures. 161a. The Supreme Court of Judicature for Ontario may, if it shall see fit, authorize the investment of any of the funds standing in court in the purchase of any debentures issued by any municipality in Ontario under, or purporting to be under, the provisions of *The Municipal Drainage Act*, or by any county or union of counties in Ontario under any other authority and in case any such investment shall be so made the debentures so purchased shall not thereafter be questioned and shall be deemed to be valid to all intents and purposes.

Rev. Stat. c. 226.

## CHAPTER 14.

## An Act to amend The Surrogate Courts Act.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of *The Surrogate Courts Act* is hereby amended by adding after the word "Court" in the eighth line thereof the following words: "Or any other Judge of a County Court who has authority to act as such in the same county while so acting"; and is further amended by adding thereto the following as sub-section (2):

Rev. Stat. c.  
59, s. 6 amend-  
ed.

Acting judge  
of Surrogate  
Court.

(2) In case of the illness or absence of the Surrogate Judge where a person other than the Judge of the County Court is the Judge of the Surrogate Court or upon his request in writing to be filed with the Registrar of the Surrogate Court, the Judge or Junior Judge or Deputy Judge (if any) of the County Court of the same county, or any other Judge of a County Court who has authority to act as such in the same county, may act as Judge of the Surrogate Court, and while so acting shall have all the powers and privileges, and may perform all the duties of the Judge of such Surrogate Court, unless otherwise directed by the Lieutenant-Governor in Council.

Illness.  
absence or va-  
cancy in office  
of judge.

2. Where a judge so acts for a Surrogate Judge he shall not be entitled to the fees unless with the consent of the Surrogate Judge.

Acting judge  
when entitled  
to fees.

## CHAPTER 15.

## An Act relating to the Division Courts.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 60, s. 75,  
amended.

1. Section 75 of *The Division Courts Act* is amended by adding thereto the following sub-section :

Division  
Courts not to  
grant injunctions

(2) Nothing in this section shall confer or be deemed to have conferred on a Division Court jurisdiction to grant injunctions in cases otherwise within the competency of the Court.

Judgment  
summons  
where principal and interest sued for separately.

2. Where a judgment has been recovered in an action in the Division Court, which, but for the enactment of the 5th section of chapter 14 of 60th Victoria, now sub-section 2 of section 79 of *The Division Courts Act*, could not have been recovered in the Division Court, the Court or judge shall not commit the debtor to gaol upon or in connection with a judgment summons where a judgment debtor could or would not have been committed to gaol upon or in respect of a judgment recovered in a higher court, or upon or by reason of an examination upon a judgment summons issued upon such last mentioned judgment.

Rev. Stat.  
c. 60, s. 247,  
sub-ss. 2, 3, 5,  
repealed.

3. Sub-sections 2 and 3 of section 247 of *The Division Courts Act* are hereby repealed and the following substituted in lieu thereof:—

Committal of  
judgment  
debtor.

(2) If he attends and refuses to be sworn or to make answer to such questions as may be put to him and which in the opinion of the judge are proper questions.

4. Sub-section 5 of the said section is hereby repealed and the following substituted in lieu thereof :

Committal of  
judgment  
debtor for  
fraud.

5. If it appears that the judgment debtor had, when or since judgment was obtained against him, sufficient means and ability to pay the debt or damages or costs recovered against him, either altogether or by the instalments which the court in which the judgment was obtained has ordered without depriving himself or his family of the means of living, and that he has wilfully refused or neglected to pay the same as ordered,

the judge may, if he thinks fit, order such party to be committed to the common gaol of the county in which the party so summoned, resides or carries on business, for any period not exceeding forty days.

5. Sub-section 1 of section 116 of *The Division Courts Act* is hereby amended by adding the following thereto:—

Rev. Stat.  
c. 60, s. 116,  
sub-s. 1,  
amended.

“Upon the application of either party, within seven days after making the said order, and upon good grounds being shown, the Judge may set aside such order upon such terms as he thinks reasonable.”

6. Sub-section 2 of section 15 of *The Division Courts Act* is amended by adding thereto the following proviso:—

Rev. Stat., c.  
60, s. 15, sub-s.  
2, amended.

“Provided that where the Judge fails to notify the Sheriff, Warden and Inspector as aforesaid within one month after the sittings of the General Sessions of the Peace, the Inspector may fix the time and place for considering the application and notify the Judge, Sheriff and Warden accordingly.”

7. Sub-section 3 of section 55 of *The Unorganized Territory Act* is amended by adding thereto the following proviso:—

Rev. Stat., c.  
109, s. 55, sub-s.  
3, amended.

“Provided that where the Judge fails to notify the Sheriff and Inspector as aforesaid within one month after the sittings of the General Sessions of the Peace, the Inspector may fix the time and place for considering the application and notify the Judge and Sheriff accordingly.”

8. Sections 3 and 4 of this Act shall not apply to claims, suits or proceedings upon debts contracted before the passing of this Act.

Application  
of Act.

9. No suit or action shall be brought in the Division Court upon any judgment, decree or order for the payment of money made by the High Court or the County Court where execution may issue in, upon or in respect to such judgment, decree or order.

Actions not to  
be brought on  
judgments of  
superior  
courts.



## CHAPTER 16.

## An Act to amend The County Crown Attorneys Act.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat.  
c. 96., s. 9,  
amended.

Duties and  
fees of County  
Crown  
Attorney on  
admitting  
person to bail.

1. Section 9 of *The County Crown Attorneys Act* is hereby amended by adding thereto the following sub-section :

(9) In any case in which a prisoner is in custody charged with an indictable offence, and an application is made for bail, he shall enquire into the facts and circumstances upon which the charge is based, and shall satisfy himself as to the sufficiency of the surety or sureties offered. He shall also examine and approve of all bail bonds entered into before a Justice of the Peace or Police Magistrate, in case bail is consented to or ordered. For such services he shall be entitled to receive from the person for whom bail is given, in each case, the sum of one dollar. Where the prisoner is unable to make such payment the said sum may be paid in the same manner as other fees of the County Crown Attorney.

## CHAPTER 17.

## An Act to amend The Woodman's Lien for Wages Act.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 2 of *The Woodman's Lien for Wages Act* is amended by inserting after the word "tan bark," in the second line of sub-section 1 of the said section 2, the word "pulp-wood."

Rev. Stat.  
c. 154, s. 2  
amended.

Act extended  
to persons  
getting out  
pulp-wood and  
cord-wood.

2. Section 6 of the said Act is amended by adding thereto as sub-section 7 the following :—

(7) Where the right to take proceedings under this Act to enforce any lien arises in the District of Manitoulin, the statement of claim may be filed in the office of the Deputy Clerk of the District Court at Gore Bay, and the expression "clerk of the court," "clerk of the district court," or "clerk" in this Act shall be deemed to include the Deputy Clerk of the District Court at Gore Bay.

Rev. Stat.  
c. 154, s. 6  
amended.

Filing state-  
ment of claim  
in Manitoulin.

## CHAPTER 18.

## An Act to amend the Act respecting the Association of Ontario Land Surveyors.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat.  
c. 180,  
amended.

1. *The Ontario Land Surveyors' Act*, being chapter 180 of the Revised Statutes of Ontario, is hereby amended by adding thereto the following section :—

Summoning  
witnesses on  
trial of dis-  
putes as to  
council elec-  
tions.

38a. On and for the purpose of the hearing of any dispute concerning an election or any inquiry concerning the dismissal, suspension or restoration of any member, a summons under the hand of the President of the Association, or of the Vice-President of the same, or under the hand of any two other members of the Council, for the attendance of a witness before the Council, shall have all the force of a subpoena; and any witness not attending in obedience thereto shall be liable to attachment in the High Court, and shall also be liable in all other respects as for disobedience or neglect of a subpoena.

## CHAPTER 19.

## An Act to amend The Ontario Companies' Act.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 10 of *The Ontario Companies' Act* is hereby amended by striking out of article (g) the words "not less than three of the board of directors" in the first and second lines thereof. Rev. Stat., c. 191, s. 10, amended.

2. Sub-section 1 of section 23 of the said Act is hereby amended by adding at the end thereof the following proviso:— Rev. Stat., c. 191, s. 23, subs. 1 amended.

"Provided that nothing herein contained shall be construed to render it obligatory upon any company to use the said unabbreviated word 'Limited' in stamping, writing, printing or otherwise marking the name of the said company upon bales, parcels, crates or boxes containing goods or merchandise, or on goods, wares, merchandise or manufactures of the company, and no such marking shall be deemed to be an advertisement within the meaning of this sub-section." Proviso as to name of company on goods, bales, etc.

3. Sub-section 6 of section 23 of the said Act is hereby amended by striking out the words "incorporated for commercial, mercantile, manufacturing, trading or business purposes or objects" in the second and third lines thereof, and by substituting therefor the words "having gain for its purpose or object", and by striking out the words "incorporated for any of the said purposes," in the sixth line thereof, and by substituting therefor the words "having gain for its purpose or object." Rev. Stat., c. 191, s. 23 subs. 6, amended



Rev. Stat., c. 191, s. 23, amended. 4. The said section 23 is hereby amended by adding thereto the following sub-section :—

Companies incorporated before 13th April, 1897, using abbreviation "Ltd." (7) In the case of companies incorporated before the thirteenth day of April, 1897, this section shall not take effect so as to render any such company or the directors or officers thereof liable to the penalties or liabilities hereby imposed by reason of such company using the abbreviation "Ltd." or any other abbreviation of the word "Limited," or to companies lawfully incorporated without the word "Limited" forming part of the name or style thereof, until after the first day of January, 1900; but this shall not relieve any such company from any penalty to which it would have been liable prior to the passing of the Act passed in the 60th year of Her Majesty's reign, chaptered 28.

Rev. Stat., c. 191, s. 79, subs. 10, amended. 5. Sub-section 10 of section 79 of *The Ontario Companies' Act* is hereby amended by striking out the words "incorporated for commercial, mercantile, manufacturing, trading or business purposes or objects" in the second and third lines thereof, and by substituting therefor the words "having gain for its purpose or object," and by striking out the words "incorporated for any of the said purposes" in the sixth line thereof, and by substituting therefor the words "having gain for its purpose or object."

Rev. Stat., c. 191, s. 107, subs. 6, amended. 6. Sub-section 6 of section 107 of the said Act is hereby amended by substituting for the words "this section" in the second line thereof the words "the preceding sub-section."

Rev. Stat., c. 191, Sched. B., amended. 7. Schedule B., appended to the said Act, is hereby amended by striking therefrom the tenth paragraph thereof.

Recovery of penalties. 8. The penalties provided by the said Act shall be recoverable only by action at the suit of, or brought with the written consent of, the Attorney-General of the Province of Ontario.

Remitting costs of actions for penalties. 9. In addition to the power given by chapter 108 of the Revised Statutes for the remission of penalties, the Lieutenant Governor in Council may remit the costs of any action heretofore commenced for the recovery of penalties under the said *The Ontario Companies' Act*, and in case of such remission no costs shall be recoverable by the person bringing such action.

## CHAPTER 20.

An Act to amend The Timber Slide Companies Act.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 42 of *The Timber Slide Companies Act* being chapter 194 of the Revised Statutes of Ontario, 1897, is amended by substituting in the 18th line thereof after the words "per cord of 128 feet." for the figures "02" the figures "1". Rev. Stat.  
c. 194, s. 4  
amended.

2. This Act shall apply to all schedules of tolls for the present year. Application  
of Act.

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## CHAPTER 21.

## An Act respecting Cemeteries.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees and companies holding adjoining cemeteries may appoint one board of trustees.

1. The trustees or companies holding respectively parcels of land as sites for burial grounds, which adjoin one another or are in the same municipality or neighbourhood, may severally by deed under their hands appoint trustees to whom and to their successors to be appointed in such manner as may be specified in the deed, all or any of the lands vested in the appointing bodies as sites for burial grounds may be conveyed, and the trustees appointed by such deed and their successors in perpetual succession by the name expressed in the deed, may take, hold and possess the lands thereby or thereafter conveyed to them as a site or sites for a burial ground and maintain and defend actions for the protection thereof and of their property therein.

And convey cemeteries to board.

2. The said several appointing bodies or any of them may in or by the deed of appointment or by any other deed or deeds convey and assure all or any of the parcels of land vested in them respectively to the trustees so appointed and their successors or to any one of such cemetery companies, upon with and subject to such trusts, powers, limitations and provisions not inconsistent with the purposes of a burial ground or with the laws relating thereto as shall by the parties thereto be deemed proper.

## CHAPTER 22.

## An Act respecting Aid to Certain Railways.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. There shall be granted out of the Consolidated Revenue Fund for the construction of the portions of railways herein-  
after mentioned, the sums following, that is to say: Grants to rail-ways, etc.

(1) To the Ontario and Rainy River Railway, from a point at the westerly end of the 165 miles heretofore aided to a point at or near Fort Francis, a distance not exceeding forty miles, a cash subsidy of \$3,000 a mile—\$120,000. Ontario and Rainy River.

(2) To the Pembroke Southern Railway, between Pembroke and Golden Lake, from a point in the north-east part of the Township of Alice to the north-eastern boundary of the said Township, a distance of about three and one-half miles, a cash subsidy of \$3,000 a mile—\$10,000. Pembroke Southern.

(3) To the Irondale, Bancroft and Ottawa Railway, from a point forty-five miles from Irondale at the end of the portion of the railway to which aid was granted in 1896, and thence easterly for a distance of ten miles, a cash subsidy of \$3,000 a mile—\$30,000. Irondale, Bancroft and Ottawa.

(4) To the Bay of Quinte Railway (formerly the Kingston, Napanee and Western Railway), for such extension or branches of or additions to its projected and authorized line of railway northerly of the Village of Tweed as will not exceed thirty miles in all, and will enable the said company to connect its existing line of railway with the iron ore deposits or other mineral lands lying northward of the said Village of Tweed, in renewal of the amount granted to the said Kingston, Napanee and Western Railway in the year 1893, a cash subsidy of \$3,000 a mile—\$90,000. Bay of Quinte Railway.



James' Bay  
Railway.

(5) To the James' Bay Railway, to aid in the construction of ninety miles of the said railway from Parry Sound to a point at or near Sudbury, \$3,000 a mile for a distance not exceeding forty miles (\$120,000), and the unearned subsidy of \$3,000 a mile for a distance not exceeding fifty miles which was granted to the Nipissing and James' Bay Railway in 1889, which said unearned subsidy is hereby transferred to the James' Bay Railway—\$270,000.

Application of  
52 V. c. 35,  
s. 2.

2. All the provisions of section 2 of chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign, respecting the option of substituting half yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3 of the said Act shall apply to the grants hereby made.

Conditions to  
which sub-  
sidies subject.

3. The subsidies hereby granted shall be subject to the following conditions :

1. Each of the said companies shall furnish such information as to the location and plans of passenger and freight stations on the line of its railway as may from time to time be required by the Commissioner of Public Works, and in every case payment of the said subsidies shall be subject to compliance with such directions as may be given by the Commissioner of Public Works from time to time for the erection of stations and the number of, and intervals at which stoppages shall be made at such stations for the accommodation of the public.

2. Every company to which aid is granted by this Act shall comply with such regulations as may from time to time be made by the Lieutenant-Governor in Council for the protection from fire of the woods and forests adjoining the line of railway.

Lapse of  
subsidies not  
earned.

4. So much of the subsidies granted to each of the said railways as is not earned within five years from the time of the passing of this Act shall lapse and revert to the Consolidated Revenue Fund of the Province.

Rolling stock,  
etc., to be of  
Canadian  
manufacture.

5. The subsidies hereby granted, and the subsidies granted to railway companies by any Act heretofore passed and which have not been earned or assigned or hypothecated prior to the passing of this Act, shall be further subject to the condition that the companies to which the same are granted shall, as far as practicable, construct, equip and operate their lines of railway with railway supplies and rolling stock of Canadian manufacture, whenever such railway supplies and rolling stock can be procured as cheaply and upon as good terms in Canada as elsewhere, having regard to quality and price among other things, and unless the Lieutenant-Governor in Council shall approve of the same being procured elsewhere.

6. The grants aforesaid are made subject to the condition that the company aided shall not amalgamate with any other company, or lease or transfer the railway or its franchises without the sanction of the Lieutenant-Governor in Council first had and obtained, and also subject to the condition that no persons shall be employed in the construction of the said roads who are subjects of any country which has an alien labor law which practically excludes Canadians from employment upon public works of such country or on other works therein.

Companies aided not to amalgamate with other companies, or employ certain class of workmen.

7. All the provisions of *The Act respecting Subsidies to Railways and to encourage the Manufacture of Railway Steel and Iron in the Province*, shall apply to the subsidies granted by this Act.

Rev. Stat. c. 210, to apply.

8. There shall be granted out of the Consolidated Revenue Fund the sum of \$35,000 toward the construction of an International Railway Bridge across the River St. Lawrence at or near Cornwall, on the line of the Ottawa and New York Railway; provided, that aid be granted also by the Government of Canada. And the said grant shall be subject to any conditions that the Lieutenant-Governor in Council may appoint or approve, and shall be paid on completion of the Bridge.

Grant for bridge over St. Lawrence and conditions.

## CHAPTER 23.

## The Municipal Amendment Act, 1898.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat.  
c. 4, s. 30,  
subs. 4  
amended

1.—(1) Sub-section 4 of section 30 of *The Act respecting the Provisional County of Haliburton* is hereby amended by striking out the words “who are entitled to vote” in the third line thereof and substituting therefor the words “actually voting.”

Rev. Stat., c. 4,  
s. 30, sub-s. 5,  
amended.  
Aid to grist  
mills in  
Haliburton.

(2) Sub-section 5 of section 30 of the said *Act respecting the Provisional County of Haliburton* is hereby amended by striking out the word “twenty” in the second line thereof and substituting therefor the word “fifteen.”

Rev. Stat., c.  
223 amended.

2. *The Municipal Act* is hereby amended by adding thereto the following section :—

Councils in  
towns of 5,000  
or less, how  
constituted.

71a.—(1) The council of every town having a population of not more than 5,000 by the last Canadian census shall consist of a mayor, who shall be the head thereof, and of six councillors to be elected by a general vote.

(2) At any time after two annual elections have been held under the provisions of this section, the council of the town may, and, upon the petition of twenty per cent. of the electors, shall, at the time of holding an annual election, submit a by-law providing for the division of the town into wards. If the said by-law shall receive the assent of a majority of the electors voting thereon, one councillor shall thereafter, and so long as the said by-law shall remain in force, be annually elected by the electors of each ward, and the remaining councillors, to complete the full number of six, shall be elected as in sub-section

one of this section is provided. The proceedings in regard to the submission of any such by-law both as to its enactment and repeal shall be as provided in this Act in regard to by-laws requiring the assent of the electors.

(3) The council of any town having a population of more than 5,000 and the council of any city having a population of 15,000 or less may by by-law provide that the council of such town or city shall be composed of a mayor and one alderman for each 1,000 of population to be elected by general vote, but such by-law shall not come into force unless and until it has first been submitted to a vote of the electors according to the provisions in this Act in regard to by-laws requiring the assent of the electors. For purposes of this section, the population of any city or town shall be determined by the last census of the Dominion of Canada. The persons entitled to vote upon such by-law shall be those who are entitled to vote at municipal elections. Where a vote of the electors within one year of the passing hereof has been taken substantially upon the questions which would be submitted under the afore-said by-law, it shall not be necessary to submit the by-law to the electors unless the council otherwise determine.

(4) This section shall apply to towns and cities above mentioned notwithstanding anything contained in any Act of incorporation or other Act, but shall not affect the councils elected for the present year.

3. Section 72 of the said Act is hereby amended by striking out all the words after the word "councillors" in the second line thereof and substituting therefor the words "who shall be elected by a general vote." Rev. Stat., c. 223, s. 72, amended.

4. Section 73 of the said Act is hereby amended by striking out all the words after the word "councillors" in the second line thereof and substituting therefor the words "who shall be elected by a general vote." Rev. Stat., c. 223, s. 73, amended.

5. Section 74 of the said Act is hereby amended by striking out the words and figures "sections 71 to 73" in the first and second lines thereof and substituting therefor the word and figures "section 71." Rev. Stat., c. 223, s. 74, amended.

6. Subsection 4 of section 128 of the said Act is amended by adding thereto the following proviso :— Rev. Stat., c. 223, s. 116, amended.

"Provided, however, that in cities of over 100,000 inhabitants the council may by by-law to be passed before the fifteenth day of November in any year extend the time for holding the election until seven o'clock in the afternoon and no longer." Poll open till 7 p.m. in cities of over 100,000



Rev. Stat., c.  
223, s. 132, sub-  
s. 2, amended.  
Place for  
nomination of  
county coun-  
cillors.

**7.** Paragraph (a) of subsection 2 of section 132 of the said Act is amended by adding thereto the following proviso: "Provided that the said nominating officer, in case there is, in his opinion, no suitable place within the county council division at which to hold the nomination, may name some place within a city, town or village adjacent to the county council division in which the election is to be held."

Rev. Stat., c.  
223, s. 301, sub-  
s. 1, repealed.

**8.** Section 299 of the said Act is hereby amended by striking out the words "one of whom shall be such person as the head of the council nominates," in the fourth and fifth lines thereof.

Auditors ap-  
pointment of  
in November  
or December.

**9.** Sub-section 1 of section 301 of the said Act is repealed and the following is substituted therefor:—

(1) The council of any municipality may pass a by-law declaring that it is expedient to appoint an auditor or auditors for the municipality in the month of November or in the month of December in each year, and thereafter while such by-law remains in force, the council shall appoint an auditor or auditors in the month of November or in the month of December, according to the tenor of the by-law, instead of at its first meeting after being duly organized.

Rev. Stat., c.  
223, s. 309,  
repealed.

**10.** Section 309 of the said Act, is repealed and the following is substituted therefor:—

Auditors ap-  
pointed as  
permanent  
officers.

309. Notwithstanding anything in this Act contained, the council of any municipality may appoint an auditor, who shall daily or otherwise as directed by the council, examine and report and audit the accounts of the corporation in conformity with any regulations or by-laws of the council, and who shall perform such other duties as the council may by by-law direct.

Treasurer  
making pay-  
ments to other  
municipalities  
to send state-  
ment to head.

**11.—(1)** The treasurer of every municipality paying money to the treasurer of any other municipality, shall, on or before the seventh day of January in each year, make up a statement in detail showing the amounts of such payments and the dates of the same for the year ending on the thirty-first day of December last preceding, and he shall transmit such statement by registered letter to the head of the municipality, to whose treasurer the payments have been made.

(2) The head of every municipality, upon receiving such statement, shall cause the same to be read at the meeting of the council and shall also deliver the statement to the auditors of his municipality before the auditing of the accounts of the previous year.

Registrars to  
send state-  
ment of  
amounts paid  
to head of  
municipality.

**12.** Every registrar of deeds, shall, on or before the seventh day of January in each year, make up and transmit to the head of any municipality to which he has made payments in accord-

ance with the provisions of the *Registry Act* during the preceding year a statement signed by him showing the amounts so paid and the dates of payment, and the head of the municipality receiving such statements shall cause same to be laid before the auditors when auditing the accounts of the previous year, and shall also read such statements at the first meeting of the council held after the receipt thereof.

**13.** The auditor or auditors of every municipality after the examination of every account, voucher, receipt and paid debenture submitted to them for audit, shall stamp in indelible letters thereon the word "audited," and shall also initial the same, and the municipality shall furnish a suitable stamp and pad for that purpose.

Auditors to mark vouchers, etc.

**14.** The said Act is amended by adding the following section thereto:—

Rev. Stat., c. 223.

331a. The corporation of any city may establish and carry on the business of cold storage in connection with or upon the city's market property, and may pass by-laws therefor.

Power to carry on cold storage business.

**15.** Sub-section 1 of section 386 of the said Act is hereby amended by inserting therein after the words "public school houses," in the ninth line thereof, the words "or for electric light works in towns having a population of 5,000 or under."

Rev. Stat., c. 223, s. 386, sub-s. 1, amended.

**16.—(1)** Sub-section 2 of section 435 of the said Act is repealed and the following substituted therefor:—

Rev. Stat., c. 223, s. 435, sub-s. 2, repealed.

"(2) The amount so borrowed and outstanding shall not, in the case of any municipality other than a county, exceed eighty per cent. of the amount collected as taxes, to pay the ordinary current expenditure of the municipality in the preceding municipal year, and in the case of a county, the amount so borrowed and outstanding shall not at any time exceed the amount to be raised and paid over to the county by the local municipalities therein for ordinary expenditure for county purposes for the current municipal year, and in the event of any council authorizing the borrowing of any larger sum than the amount limited by this sub-section, the members of the council who vote therefor shall be disqualified from holding any municipal office for the period of two years."

Limit of amount to be borrowed for current expenditure.

(2) The said sub-section 2 shall not be held to have applied heretofore to a town or township any portion of which is situate within two miles of a city containing more than 100,000 inhabitants, nor shall the said sub-section apply to such town or township until the last day of the next ensuing session of this Legislature, but it shall thereafter apply to such municipalities.

Rev. Stat., c.  
223, s. 506,  
amended.

**17.** Section 506 of the said Act is hereby amended by adding thereto the following sub-section :—

“(2) In the case of the Crown Attorney of the city of Toronto, the City Council of the City of Toronto shall provide proper offices, together with fuel, light, stationery and furniture.”

Rev. Stat.,  
223, s. 565,  
sub-s. 1,  
amended.

**18.** Sub-section 1 of section 565 of the said Act is amended by striking out the words “water privileges; and they may for the purpose of such acquisition, development, repairs and user” in the 8th and 9th lines, and inserting in lieu thereof the words “water privileges and lands, including the erection, improvement and repair of buildings in connection therewith; and they may for the purposes aforesaid.”

Powers with  
regard to trees  
on streets,

**19.** Section 574 of the said Act is amended by adding the following sub-section thereto :—

“5. For authorizing the Park Commissioner or other officer appointed by the council of any city of over 100,000 inhabitants to cut down and remove all decayed trees, and remove and transplant any trees, shrubs or saplings growing or planted in any public place, square, highway, street, lane or alley, or other means of communication under its control, after giving forty-eight hours’ notice of the intention so to do, and the corporation shall not be liable to any owner or owners of adjoining property for any act so performed.” Provided that no live tree, unless within 20 feet of other trees, shall be removed without the consent of the owner of the property in front of which such tree is situate.

Rev. Stat., c.  
223, s. 687,  
amended.

**20.** Section 687 of the said Act is hereby amended by adding thereto the following sub-sections :—

Agreements  
between ad-  
joining town-  
ships for pur-  
chase of fire  
engine, etc.,  
and road-  
making  
appliances.

(7) The councils of two or more adjoining municipalities whether in the same county or not, may enter into an agreement for the purchase of and may purchase jointly a fire engine and other appliances, for the purpose of fire protection or road-making machinery and appliances. The councils of such municipalities may in and by such agreement, determine the proportion of the purchase money and yearly cost of managing and maintaining such fire engine and appliances or other machinery and appliances to be borne by each municipality and the place or places where the same shall be kept and all other matters and things necessary and proper in the maintenance and use of the engine and other machinery and appliances, and each council shall, as to the assessing and levying of its proportion, proceed as hereinbefore in this section provided.

(8) Where the councils of two or more municipalities purchase a fire engine and appliances or road-making machinery



and appliances jointly, the reeves of such municipalities shall be the trustees, having the care and control of such engine, machinery and appliances.

**21.**—(1) In the case of any drainage work heretofore constructed and to be executed by pumping, embanking or other mechanical operations, the cost of which exceeds the sum of \$25,000, the council of any municipality which has issued debentures to provide for payment of the cost of said drainage work by annual instalments of principal and interest, may from time to time issue debentures bearing interest at a rate of not less than 4 per cent. per annum, payable half-yearly, for the purpose of paying off and retiring, as they fall due, the debentures, or any of the debentures, falling due during the first five years of the term during which the debentures issued for the cost of constructing the drainage work are payable, and with the proceeds of the said debentures so issued may retire the debentures falling due during the said period of five years or any of them.

Issue of debentures for drainage works to be done by pumping, etc.

(2) The debentures issued under this section shall not exceed five in number and shall be for equal amounts, and one of such debentures shall be made payable in each year commencing with the first year after the expiration of the period during which the debentures issued for the cost of construction of such drainage work are to be paid off.

(3) Any council which issues debentures under this section shall levy in each year after the issue thereof a special rate upon the property assessed for the drainage work for the payment of the interest falling due from time to time on the said debentures, and shall also levy in each year in which any debenture issued under this section falls due, a special rate on the property so assessed sufficient to pay off such debenture.

(4) This section shall remain in force for a period of three years from the date of the passing of this Act, and at the expiration of the said period shall be deemed to be repealed, but this shall not affect the validity of any debentures issued or other acts lawfully done under this section while the same remains in force.

**22.** Sub-section 3 of section 4 of *The Act respecting the Slaughtering of Cattle and the Inspection of Milk and Meat Supplies of Cities and Towns* is repealed and the following substituted therefor:—

Rev. Stat.  
c. 250, s. 4,  
sub-s. 3  
repealed.

(3) This section shall not come into operation and no proceedings thereunder shall be taken until the close of the next session of the Legislature.'



Rev. Stat.  
c. 223  
amended.

Bonuses to  
rolling mills  
and iron  
works.

**23.** *The Municipal Act* is amended by inserting therein the following as section 700a:

700a. The council of any city may pass by-laws for granting aid by way of bonus to promote the establishment of rolling mills and iron works in the same manner and to the same extent and subject to like terms and conditions as in the case of by-laws for granting aid in the promotion of iron smelting works, and all the provisions of the last preceding section shall apply to by-laws for granting aid to promote the erection or establishment of rolling mills and iron works which may hereafter be passed or which, since the first day of January, 1898, have been submitted to and have received the assent of the ratepayers of any city qualified to vote thereon, and may hereafter be passed by the council of such city.

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## CHAPTER 24.

An Act relating to certain Municipal Elections  
in 1898.*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. No municipal elections heretofore held for the present year in any municipality shall be deemed invalid or illegal by reason of the non-election of a Deputy Reeve or Deputy Reeves, provided that the number of members nominated and elected to the Council was the number prescribed by *The Municipal Act*; but the candidate who obtained the highest number of votes at such election shall be the first Deputy Reeve, and the candidate who obtained the next highest number of votes shall be the second Deputy Reeve for the present year, and so on to the number of Deputy Reeves to which the Municipality is entitled under *The Municipal Act*, and such Deputy Reeves shall perform the same duties and be subject to the same liabilities, and may exercise the same powers as Deputy Reeves duly elected under the provisions of *The Municipal Act*.

Non-election  
of deputy-  
reeves not to  
affect validity  
of elections.

Rev. Stat.  
c. 223.

Rev. Stat.  
c. 223.

## CHAPTER 25.

## The Assessment Amendment Act, 1898.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., c.  
224, s. 74,  
sub-s. 2,  
amended.

1. Sub-section 2 of section 74 of *The Assessment Act*, is amended by striking out all the words thereof down to and including the word "survey" in the tenth line thereof, and by inserting in lieu thereof the following words: "Whenever it shall be shown to the satisfaction of the court that taxes are or have become due and owing upon a parcel of land assessed in one block but which block has subsequently been subdivided, the said court upon an application of or on behalf of any person claiming to be the owner of one or more lots or one or more parcels of such divided land"; also by inserting the words "or parcels" after the word "lots" in the twelfth line, and the words "or parcel" after the word "lot" in the fifteenth line.

Rev. Stat., c.  
224, s. 147,  
amended.

2. Section 147 of the said Act is amended by adding the following proviso at the end thereof:—

"Provided that the provision requiring the collector to furnish a duplicate of such return to the clerk of the municipality and that the clerk shall mail a notice to each person appearing on the roll with respect to whose land taxes appear to be in arrear for that year, shall not apply to a city, but in lieu thereof, the treasurer shall give the notice hereinbefore directed to be given by the clerk."

Rev. Stat., c.  
224, s. 174,  
amended.

3. Section 174 of the said Act is amended by substituting the words "lands for" for the word "non-resident" in the fourth line of the said section.

4. Section 177 of the said Act is amended by adding thereto the following sub-section :—

Rev. Stat., c.  
224, s. 177.  
amended.

(3) In cities, instead of advertising as in this section is provided, the treasurer may have the advertisement published in the *Ontario Gazette* as hereinbefore provided, and then publish in at least two newspapers published in such city a notice announcing that the list of lands for sale in the municipality for taxes has been prepared, and copies thereof may be had in his office, and that the said advertisement embracing such list is being published in the *Ontario Gazette* (inserting the dates of such publication), and that in default of payment of the taxes, as shown in the said list, on or before the date fixed for the sale, the lands set out in the said list will be sold for taxes at such date.

Publication of  
notice of tax  
sale.

5. Sub-section 3 of section 184 of the said Act is amended by striking out the word "three" in the tenth line thereof and substituting therefor the word "seven."

Rev. Stat., c.  
224, s. 184, ss. 3,  
amended.



## CHAPTER 26.

## An Act respecting Roads in Unincorporated Townships

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat.  
c. 224, s. 121  
amended.

1. Section 121 of *The Assessment Act* is amended by adding the following as a sub-section thereto.

Powers of  
road commis-  
sioners as to  
opening roads.

(2) The said commissioners shall have power to open road allowances when the same have been laid down in the original surveys, and in case said road allowances are either wholly or partially impracticable, to lay out roads in lieu thereof; and where no road allowances are laid down in the original surveys, but five per cent. of the area is reserved for roads, the said commissioners may lay out roads where necessary, and direct the performance of statute labour accordingly.

Laying out  
roads in town-  
ships where no  
allowances  
surveyed.

2. Where a municipality is formed embracing a township or townships surveyed without road allowances, but in which five per cent. of the area is reserved for roads, such municipality shall have the power to lay out roads where necessary.

Filing plan of  
roads in  
Crown Lands  
Department.

3. In cases of deviations from road allowances and of roads laid out where there are no road allowances as above provided, the commissioners or the municipality, as the case may be, shall cause a plan thereof, so far as the same affects ungranted lands of the Crown, to be made by an Ontario land surveyor and shall file the same in the Department of Crown Lands.

## CHAPTER 27.

## An Act respecting Public Libraries in Police Villages.

*Assented to 17th January, 1898.*

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. *The Public Libraries' Act* is amended by inserting therein after section 4 thereof the following as section 4 (a):

Rev. Stat.  
c. 232  
amended.

4 (a) Not less than thirty electors in a police village may present a petition to the township council praying for the establishment of a public library under this Act, and on the receipt of such petition, the township may pass a by-law giving effect to such petition, with the assent of the electors of the police village qualified to vote at municipal elections, obtained before the final passing of the by-law, as provided by *The Municipal Act*.

Township by-laws for establishing libraries in police village.

Rev. Stat.  
c. 223.

2. The public library board in a police village shall be composed of the police trustees and two persons appointed by the school trustees of the school section or each of the school sections comprised in, or forming part of the police village, and two persons appointed by the separate school board, if any, having jurisdiction in the police village.

Board in police village, how composed.

Rates for public library in police village.

Rev. Stat.  
c. 232.

3. The council of the township in which a police village is situated and in which a public library has been established under the provisions of this Act, in addition to all other rates and assessments levied and assessed for municipal purposes in the police village, shall levy and assess from year to year a special annual rate sufficient to furnish the amount estimated by the board of management to be required, as provided in *The Public Libraries' Act*, but not exceeding one half of a mill on the dollar upon the assessed value of all rateable, real and personal property in the police village, such rate to be called the "Public Library Rate."

## CHAPTER 28.

## An Act to amend The Municipal Water Works Act.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 19 of *The Municipal Water Works Act* is amended by inserting after the word "aforesaid" in the seventh and eighth lines of the said section the words following "or for the purpose of altering or disconnecting any service pipe within or without any house or building as they may deem expedient"; and by inserting after the word "tap" in the thirteenth line of the said section the words following "and may alter or disconnect any service pipe."

Rev. Stat.  
c. 235, s. 19.  
amended.

Right of entry  
to cellar to  
alter or  
disconnect  
service pipes.



## CHAPTER 29.

## An Act to further facilitate the purchase of Toll Roads by Municipalities.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Commissioners may be authorized to act in place of Provincial Arbitrators.

1.—(1) Where the council of a county, city or separated town desires to acquire a road or roads under the provisions of *The Toll Roads Municipal Expropriation Act*, they may in the by-law appointing commissioners under section 3 of the said Act, or in a subsequent by-law, whether the commissioners shall be hereafter or have been heretofore appointed, provide that the said commissioners may act as arbitrators for the purpose of determining the price at which the municipality shall be entitled to acquire the said road or roads.

(2) In such a case a copy of the by-law shall be served upon the owner or owners of the road or roads, together with a notice requiring him or them, in case objection is made to the said commissioners acting as arbitrators, to file a notice accordingly with the clerk of the county court within one month from the date of service of the by-law, and if no such objection is filed the commissioners may act as arbitrators and shall have all necessary authority in that behalf.

Powers of commissioners acting as arbitrators.

2. In case the commissioners are so authorized to act as arbitrators they shall have the same powers as the Provincial Arbitrators would have had if they had acted; and the amount fixed by such arbitrator or arbitrators as the price to be paid for the said road or roads shall be subject to the provisions contained in the said Act in respect to the compensation money or price where the same is determined by the Provincial Arbitrators.

3. The acts of a majority of such arbitrators shall be as valid and binding as though all of the arbitrators had concurred.

4. Several municipalities may appoint the same arbitrators under this Act, and such arbitrators may proceed with the hearing of the several matters, either together or separately as they may find most convenient and least expensive, but when making their awards each award shall be confined to the road or roads to be acquired by one municipality, and sections 20 and 21 of the said Act shall apply to every such award.

5. This Act shall be read with and as part of *The Toll Roads Municipal Expropriation Act*.

Majority to bind.  
Appointment of same arbitrators by several municipalities  
Incorporation with Rev. Stat. c. 239.

## CHAPTER 30.

An Act respecting the Sale of Patent and other Medicines, and of Alcohol for the purposes of the Arts and Manufactures.

*Assented to 17th January, 1898.*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation  
"pharmaceu-  
tical chemist."

**1.** The words "pharmaceutical chemist," or the word "chemist," when used in this Act shall mean a duly registered pharmaceutical chemist; the word "alcohol" shall mean "ethylic" or absolute alcohol; the word "spirits" shall mean proof spirits or spirits under proof; the word "liquor" or "liquors" shall mean intoxicating liquor; and the words "original and unbroken package" shall mean the package in which the patent or proprietary medicine is put up by the manufacturer, and the word "manufacturer" shall mean a manufacturer for sale by wholesale.

Patent or pro-  
prietary medi-  
cines contain-  
ing alcohol.

**2.** Nothing in *The Liquor License Act* contained shall prevent the sale by a pharmaceutical chemist, merchant or company dealing in drugs and medicines, or a merchant or company dealing in patent or proprietary medicines, of any patent or proprietary medicine in the original and unbroken package, which contains only sufficient alcohol to hold the medicinal constituents thereof in solution or to prevent fermentation.

Sale of tinc-  
tures, etc.,  
containing  
alcohol.

**3.** Nor shall anything in the said *Liquor License Act* contained prevent the sale by a chemist, or by the manufacturer of any tincture, fluid extract, essence or medicated spirit containing alcohol, prepared according to the formula of the British Pharmacopœia, or other recognized standard work on pharmacy, or medicine or other similar officinal compound or preparation

preparation, or the sale of a perfume, nor the sale by him for purely medicinal purposes of any mixture prepared as aforesaid containing alcohol and other drugs or medicine; nor shall *The Liquor License Act* prevent the sale by a merchant who deals in drugs and medicines of such compounds, mixtures and preparations as are in this section hereinbefore mentioned, and as are so made or put up by a chemist or a manufacturer by reason only that the same contain alcohol; nor shall the said Act prevent the sale by a chemist of alcohol in quantities of not more than one gallon at any one time for use in the arts or manufactures or for illuminating purposes.

4. Nor shall anything in the said *Liquor License Act* contained apply to or prevent the sale by a pharmaceutical chemist of any drug or medicine for strictly medicinal purposes, notwithstanding the mixture with such drug or medicine of alcohol as one of the necessary and *bona fide* ingredients thereof, provided that the quantity of alcohol so sold at any one time does not exceed six ounces.

Drugs mixed with alcohol.

5. Nor shall anything in the said *Liquor License Act* contained prevent a chemist from selling, without the certificate of a duly registered medical practitioner, spirits in quantities of not more than six ounces at any one time when the same shall be required owing to a serious injury or to the fainting of a person who may be brought or shall come into the premises of the chemist or into contiguous premises, or in or upon premises adjoining such last mentioned premises, and the same is urgently required for the relief of such person.

Sale of liquor by druggists, in case of accident, etc.

6 Sub-section 2 of section 52 of said *Liquor License Act* is amended by adding immediately after the word "prescription," in the seventh line thereof, the words "when one is required;" but the said sub-section is not by this Act otherwise affected.

Rev. Stat., c. 245, s. 52 subs. 2, amended.

7. Where the Stipendiary or Police Magistrate or Justice or Justices before whom a complaint is heard find that any patent or proprietary medicine mentioned or referred to in section 2 of this Act, or any other medicine, preparation or mixture mentioned or referred to in sections 3, 4 or 5 of this Act, has been put up, manufactured or sold as a colourable device for the evasion of *The Liquor License Act*, the offender shall incur the penalties imposed by *The Liquor License Act* as in the case of sale of liquor without the license therefor by law required; and it shall not be necessary in the information, summons, warrant, conviction, distress warrant, commitment or other process or proceeding, save only in the finding or judgment, to set out that such patent or other medicine, preparation or mixture was put up, manufactured or sold as a colourable device for the evasion of *The Liquor License Act*, but it shall be sufficient if the complaint and all other necessary statements of the offence allege or refer to the sale of liquor without the license therefor

Colourable sales.

Rev. Stat., c. 245.

Rev. Stat., c. 245.



Rev. Stat.,  
c. 245.

for by law required, as in the case of a prosecution under the said *Liquor License Act* for the sale of liquor without the license therefor by law required.

Analysis of  
patent medi-  
cines kept by  
druggists.

8. A chemist or other person who keeps patent or proprietary medicines for sale shall, upon request made in writing, signed by an officer of the License Branch, to be named for that purpose by the Lieutenant-Governor in Council, permit the Inspector of Licenses, or such other person as shall be named therein, to take away a sample sufficient for the purpose of analysis of any patent or proprietary medicine kept by him for sale. A refusal to comply with such request shall render the offender liable to a penalty of not less than \$10 nor more than \$40 for such offence.

Companies  
selling drugs.

Rev. Stat.,  
c. 245.

9. Where a company or corporation is, notwithstanding *The Pharmacy Act*, or any other law, entitled to sell drugs, medicines or poisons, or compounds or preparations thereof, when such sale is personally conducted by a duly qualified and registered chemist, such sale shall not be an offence against *The Liquor License Act*, where the drugs, medicines, poisons, compounds, or preparations thereof are mixed with alcohol, if the provisions of this Act, and the restrictions thereby imposed are observed and conformed to upon such sale. But this section shall neither enlarge nor diminish the rights of a corporation to sell the articles aforesaid except as to the article of alcohol.

Saving as to  
restrictions in  
Rev. Stat.,  
c. 179.

10. Nothing in this Act contained shall authorize any person to act as a chemist or to compound prescriptions or to sell drugs and medicines heretofore prohibited from so doing by *The Pharmacy Act*, nor shall anything in this Act contained prohibit any person from so doing who was not heretofore prohibited by *The Pharmacy Act* or otherwise by law; but the said *Pharmacy Act* shall not be affected by this Act.

Act incorpor-  
ated with  
Rev. Stat.,  
c. 245.

11. This Act shall be read with and as part of *The Liquor License Act*.

## CHAPTER 31.

### An Act to prevent Gambling and Games of Chance at Agricultural Exhibitions.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. No person shall carry on, or assist, or aid in carrying on Gambling and any kind of gambling, or any game of chance, at any agricul- games of tural, horticultural, live stock, or industrial exhibition or fair, prohibited. or within half a mile thereof.

2. Any person violating the provisions of section 1 of this Penalty. Act shall be liable on summary conviction to a fine of not less than \$20 besides costs, and not more than \$100 besides costs.

3. This Act shall be read with and as a part of *The Agri- Act incorpor- culture and Arts Act*, and shall apply to all exhibitions held ated with Rev. by societies coming within the above mentioned classes Stat., c. 43. whether incorporated under the said Act or not. Application of

## CHAPTER 32.

An Act to make further provision respecting Maternity Boarding Houses, and the protection of Infant Children.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
258, s. 14  
amended.

1. Section 14 of the *Act to regulate Maternity Boarding Houses and for the protection of Infant Children*, being chapter 258 of the Revised Statutes of Ontario, 1897, is amended by adding at the end thereof the following: "The council may at any time thereafter repeal the said by-law, and thereupon the following sections of this Act shall not apply "or be in force in the municipality, but Part I. of this Act "shall apply and be in force therein."

Rev. Stat. c.  
258, s. 15  
amended.

2. Section 15 of the said Act is amended by inserting the words "without permission in writing from the medical health officer of the municipality" after the word "lawful," in the first line; and by striking out the words "except in a house which has been registered as herein provided," at the end of the section.

Rev. Stat. c.  
258, s. 16  
amended.

3. Section 16 of the said Act is amended by striking out the words "one year," at the end of the second line, and inserting the words "three years" in lieu thereof, and by striking out the word "mayor" in the seventh line, and substituting the words "medical health officer" therefor.

Rev. Stat. c.  
258, s. 17  
amended.

4. Section 17 of the said Act is amended by striking out the words "board of health," in the first line, and the word "board" in the sixth line, and inserting the words "medical health officer" in lieu thereof; and by inserting the words "by him" after the word "appointed," in the second line.

5. Section 18 of the said Act is amended by striking out the words "the board of health or municipal officer," in the first line of the said section, and inserting in lieu thereof the words "the medical health officer." Rev. Stat. c. 258, s. 18 amended.

6. Section 19 of the said Act is amended by striking out the words "board of health, or medical health officer, or municipal officer," in the first and second lines, and inserting the words "medical health officer" in lieu thereof, and by striking out the words "board or officer" in the eighth line, and inserting the words "medical health officer" in lieu thereof. Rev. Stat. c. 258, s. 19 amended.

7. Section 20 of the said Act is amended by striking out the words "the board of health, the medical health officer, or any other person appointed by the board or municipal council," in the thirteenth and fourteenth lines of the said section, and inserting in lieu thereof the words "the medical health officer, or any person appointed by him." Rev. Stat. c. 258, s. 20 amended.

8. Section 21 of the said Act is amended by striking out the words "board of health or municipal officer," in the second line, and inserting in lieu thereof the words "medical health officer." Rev. Stat. c. 258, s. 21 amended.

9. Section 25 of the said Act is amended by striking out the words "the board of health or municipal council" in the first and second lines, and inserting in lieu thereof the words "medical health officer." Rev. Stat. c. 258, s. 25 amended.

10. Section 26 is amended by striking out the word "one" in the first line thereof, and inserting the word "three" in lieu thereof. Rev. Stat. c. 258, s. 26 amended.

11. Section 29 of the said Act is amended by striking out the figures "\$20" in the third line, and inserting the figures "\$100" in lieu thereof. Rev. Stat. c. 258, s. 29 amended.

12. The said Act is amended by adding thereto the following section: Rev. Stat. c. 258 amended.

32.—(1) The medical health officer shall not, nor shall any officer employed by him, nor shall the person registered as keeper of any house under this Part, divulge or disclose the contents of the said register or any of the particulars entered therein, except upon enquiry before a court of law, or at a coroner's inquest, or before some other competent tribunal, or, in the case of such officer or registered person, for the information of the medical health officer. Registers, contents of, not to be disclosed.

(2) Any person violating the provisions of subsection 1 of this section shall be liable to a penalty not exceeding \$100 besides costs.



## CHAPTER 33.

## An Act to prevent the spread of the San Jose Scale.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title.**      1. This Act may be cited as *The San Jose Scale Act*.
- Interpretation**  
**"Minister."**      2. In this Act the word "Minister" shall mean the Minister of Agriculture for the Province of Ontario.
- "Plant."**      The word "plant" shall mean any tree, vine, shrub or plant, or any part of a tree, vine, shrub or plant, or the fruit of any tree, vine, shrub or plant.
- "Scale."**      The word "scale" shall mean the San Jose Scale insect in any of its stages of development.
- Importation of diseased plants prohibited.**      3. No person shall import or bring, or cause to be imported or brought into the Province of Ontario, for any purpose whatsoever, any plant infested with scale.
- Having in possession or selling.**      4. No person shall keep, or have, or offer for exchange or sale, any plant infested with scale.
- Scientific investigation.**      5. For the purpose of scientific investigation the Minister may from time to time, by writing given under his hand, except such persons as he may deem proper, from the operation of the two preceding sections, and while acting under such permission, such persons shall not be subject to the penalties imposed by this Act.
- Notice to Minister on discovery of disease.**      6. Any person having reason to suspect that any plant in his possession, or in his charge, or keeping, is infested with the scale shall forthwith communicate with the Minister in regard to

to the same, and shall furnish the Minister with all such information in regard to the source or origin of the said infestation and the extent and nature of the same as he may be able to give.

7. Whenever the scale exists, or is supposed to exist on any plant, the Minister may direct a competent person to make an examination and inspection and may order that any plant so infested, or such part as he may deem advisable, shall be immediately destroyed by burning either by the person appointed to make the inspection, or by the person owning or having possession of the said plant or some other person so directed in writing, and\* the person so directed shall make a full report to the Minister in writing as to the nature and extent of the work so performed, together with a fair estimate of the value of the plant destroyed.

Investigation and report.

Destruction of diseased plant.

8. For the purpose of enforcing this Act, it shall be the duty of every inspector appointed under *The Yellows and Black Knot Act* to make careful examination and inspection for the occurrence of the scale within the municipality for which he is appointed, and to report forthwith to the Minister every case of infestation, and neglect to make such report shall render the inspector liable to the penalties imposed under section 11 of this Act.

Duties of inspectors appointed under Rev. Stat. c. 280.

9. Any person appointed by the Minister under this Act to inspect, or to destroy any plant, for the purpose of enforcing the provisions of the Act, shall, upon producing his authority in writing, have free access to any nursery, orchard, store, storeroom, or other place where it is known, or suspected, that any plant is kept.

Right of access to place where tree is.

10. Upon the recommendation of the Minister there may be paid out of the Consolidated Revenue Fund of the Province to the owner of any plant so destroyed a sum not exceeding one-fourth of the value thereof (not including fruit) as reported upon by such officer or other competent person, appointed as aforesaid, but nothing in this section shall apply to any plant imported into the Province within a period of one year prior to the examination by the officer aforesaid.

Compensation for destruction of plants.

11. Any person neglecting to carry out the provisions of this Act, or any person offering any hindrance to the carrying out of this Act, shall, upon summary conviction, be liable to a fine of not less than \$20 nor more than \$100 together with costs, and in default of payment thereof shall be subject to imprisonment in the common gaol for a period of not less than ten days nor more than thirty days.

Penalty.

Extension of  
Act to other  
scale insects.

**12.** The Lieutenant-Governor in Council may by order direct that other scale insects than the San Jose Scale may be included in the provisions of this Act, and thereafter during the continuance of such Order-in-Council the word "scale" in this Act shall include all such other scale insects. Public notice of such Order-in-Council shall be given by publication in two successive issues of *The Ontario Gazette*.

## CHAPTER 34.

## An Act to amend The High Schools Act.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8, chapter 293, R. S. O. 1897, entitled *An Act respecting High Schools and Collegiate Institutes* is hereby amended by inserting after the word "district" in the third line thereof the following: "or to an incorporated village or town containing less than 3,000 inhabitants, in which a High School has been established, as provided by sub-section 2 of section 9 of the said Act." Rev. Stat.  
c. 293, s. 8,  
amended.

2. Sub-section 2 of section 9 of the said Act is amended by inserting after the words "than one" in the second line of said sub-section the words "or of an incorporated village or town and part of one or more adjoining municipalities." Rev. Stat.,  
1897, c. 293, s.  
9, ss. 2,  
amended.



## CHAPTER 35.

An Act to amend Chapter 298, R.S.O., 1897, entitled  
 “ An Act Respecting the University of Toronto  
 and University College and the Federation there-  
 of with other Universities and Colleges.”

*Assented to 17th January, 1898.*

Preamble.

WHEREAS, under the conditions set forth in the Revised Statutes of Ontario, 1887, chapter 230, entitled *An Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges*. Victoria University became federated with the University of Toronto; and whereas under said Act the graduates of Victoria University were entitled to elect as a separate body five representatives to the Senate of the said University of Toronto; and whereas by said Act it was further provided that after the period of six years the graduates of a federating University should cease to elect representatives to the said Senate as a separate body; and whereas it is expedient that the period during which a federating University should further continue to elect representatives to the said Senate as a separate body should be extended;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Representa-  
 tion of gradu-  
 ates of Victoria  
 University on  
 Senate of  
 Toronto  
 University.

1. The graduates of Victoria University duly registered as such at the date of the federation of Victoria University with the University of Toronto shall for a period of six years from the passing of this Act, be entitled to elect five representatives to the Senate of the University of Toronto, and all the duties imposed upon the Registrars of the University of Toronto and Victoria University with regard to the conduct of the election of such representatives and all

matter

matters appertaining thereto, shall continue in full force and effect for the said period of six years to the same extent as if the first period of six years, for which it was intended by the said *Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges* that such separate representation should be allowed, had not expired.

2. On the expiration of the said period of six years from the passing of this Act the graduates of Victoria University and the graduates of the University of Toronto shall vote at all elections to the Senate as one body and such separate representation shall cease.

Special representation to cease after six years.

## CHAPTER 36.

## An Act respecting Gaols.

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Agreement to maintenance of prisoners in gaol of adjoining county.

1.—(1) In case the number of prisoners confined in any gaol during two years does not exceed, on an average, four per diem for either of such years, and in case the Inspector of Prisons reports that, in his opinion, it would be proper that an arrangement should be made for keeping the prisoners of such county in the gaol of an adjoining county, the council of the said first mentioned county may agree with the council of such adjoining county for keeping and maintaining the said prisoners in the gaol of the said adjoining county.

(2) The said two years shall be the two years ending on the 31st day of December immediately preceding the making of the said agreement.

Proclamation as to gaol of adjoining county being the common gaol.

2. In case such agreement is made, and the Lieutenant-Governor deems it in the public interest, he may, by order in Council sanction the same, and shall thereupon issue his Proclamation declaring that from a day to be named in the Proclamation the gaol of the said adjoining county shall be the common gaol of the said first mentioned county, and from the said day, and until the Lieutenant-Governor in Council issues a Proclamation terminating the said agreement, the said common gaol shall be the common gaol of the said first mentioned county.

Requisites to issue of proclamation.

3.—(1) A Proclamation shall not be issued under this Act unless there is direct railway communication between the county towns of the two counties, and no such proclamation shall issue until the Inspector of Prisons has reported that a sufficient

sufficient lock up for the safe custody of prisoners brought to the county town of the said first mentioned county in order to be tried, or in custody, prior to their committal for trial, or in custody, pending their removal to the county gaol, central prison or penitentiary has been provided in or near the county town of the said first mentioned county, but nothing herein contained shall prevent the imprisonment of any such prisoner in the gaol of the said adjoining county where the magistrate committing him, or the sheriff or constable in charge deems it expedient that the said prisoner should be imprisoned therein.

*Lock up to be kept.*

(2) The said lock-up may be either the old gaol, or part thereof, or some other building approved by the said Inspector.

4. In case any such proclamation is issued, the county at whose instance the same has been issued, shall bear all expenses which may be incurred in respect of the conduct of any prisoners to or from the gaol of the said adjoining county in excess of those which would have been incurred had the prisoner been detained in a gaol in the county town of the said first mentioned county.

*Expense of transferring prisoners*

5. It shall be the duty of the sheriff to see that the said lock-up is always kept in a proper condition to be used for the reception of prisoners, and in case the county council fails so to keep the same, he shall, at the cost of the county, do what is necessary in this behalf.

*Sheriff's duty as to lock-up.*

6.—(1) The agreement to be made under section 1 shall continue for five years unless the terms thereof are sooner varied by agreement between the councils of the two counties and shall thereafter continue until varied by agreement, as aforesaid, or in case the councils are unable to agree until varied by arbitration under *The Municipal Act*, but either council may, at any time, apply to the Lieutenant-Governor in Council to terminate the arrangement.

*Terms of agreement.*

*Rev. Stat. c. 223.*

(2) In case the Lieutenant-Governor thinks fit, he may terminate the said arrangement either upon the application of either of the councils interested, or without any such application, from a day to be named in his Proclamation in that behalf, and from such day the gaol of the said adjoining county shall cease to be the common gaol of the said first mentioned county.

7. The issue of a Proclamation under this Act shall be conclusive evidence that the events have happened and the conditions exist which authorize the issue thereof.

*Issue of proclamation to be evidence of facts stated.*

8. In case a vacancy occurs in the office of gaoler of any county gaol, and it appears by the certificate of the Inspector of Prisons that the number of prisoners confined in such gaol during

*Gaoler, where sheriff may be ex-officio.*



during the three years terminating on the 31st of December immediately preceding the occurrence of such vacancy does not exceed on an average six per diem for any of such years, and the county council within three months after such vacancy occurs, or at the next meeting of the council after such vacancy, by resolution declares that the public interests do not require the appointment of a gaoler to take charge of the said gaol, and in case the sheriff agrees with the council as to the remuneration to be allowed him for the performance of the duties of gaoler, it shall not be necessary for the sheriff to appoint a gaoler, but the said sheriff shall be *ex-officio* the gaoler of the said gaol, and shall, with such assistance as he deems necessary, perform all the duties and be subject to all the responsibilities of the said office.

Notice of vacancy in office of gaoler.

9. Where a vacancy occurs in the office of gaoler in any county gaol, if the number of persons which have been confined, as in the preceding section mentioned comes within the average therein mentioned, the Inspector of Prisons shall notify the county council thereof and shall certify as in the said section set forth and shall also notify the sheriff that the said gaol is subject to the provisions of the said section.

Sheriff may appoint gaoler *pro tem* or himself

10. In any such case the sheriff may either make a temporary appointment of a gaoler, or he may elect himself to perform the duties of gaoler, in which case he shall be *ex-officio* gaoler and shall perform all the duties and be subject to all the responsibilities of the said office, but in case the council does not, within the time above limited, pass a resolution, declaring as in section 8 is mentioned, the said sheriff shall forthwith thereafter appoint the said temporary gaoler or some other proper person to be the permanent gaoler of the said gaol.

Remuneration of temporary gaoler or sheriff.

11. The said temporary gaoler or the said sheriff, while acting under section 10, shall be paid at the same rate of remuneration as was paid to the gaoler who held the office previous to the said vacancy.

Vacancies in office of gaoler in districts.

12. Where a vacancy occurs in the office of gaoler at the county town of any territorial district, the Lieutenant-Governor in Council may, upon the application of the sheriff, declare that the public interests do not require that another gaoler should be appointed and thereupon the said sheriff shall be *ex-officio* gaoler of the said gaol and shall perform all the duties and be subject to all the responsibilities of the said office.

## CHAPTER 37.

An Act respecting the Railway Debenture Debt of  
the Township of Amabel.*Assented to 17th January, 1898.*

**W**HEREAS the Municipal Corporation of the Township of Amabel have by their petition represented that in aiding the Stratford and Huron Railway Company they incurred a debt of \$43,000 for which amount debentures of the said Corporation were issued under by-law No. 76, passed on the eighteenth day of November, A.D. 1878, for \$40,000 and under by-law No. 83 passed on the eighteenth day of August, A.D. 1879, for \$3,000, and that by way of provision for sinking fund for redeeming the same the sum of \$21,200 only has been raised in addition to the annual interest thereon, none of which is in arrear; and whereas the said debentures will become due and payable on the seventeenth day of November, A.D. 1898; and whereas it has been made to appear that the levying of a rate for the immediate payment of the said debt would be unduly oppressive to the ratepayers; and whereas the said Corporation have by their petition prayed that they may be authorized to issue debentures for the sum of \$21,800 to meet and pay off the remainder of the said debentures shortly to fall due; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It shall be lawful for the Corporation of the Township of Amabel to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums of not less than \$100 and not exceeding \$21,800 in the whole, as the said Corporation may from time to time direct, and

By-laws for  
issue of debentures to \$21,800.

and the principal sum secured by the said debentures, and the interest accruing thereon may be payable at such place or places in this Province as the said Corporation may deem expedient.

Power to raise money on debentures.

2. The Corporation of the said Township may, for the purpose herein mentioned, raise money by way of loan on the said debentures, or sell and dispose of the said debentures from time to time as they may deem expedient.

Term of debentures.

3. The said debentures shall be payable in not more than twenty-five years from the issue thereof, as the said Corporation may direct. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable half-yearly on the eighteenth day of the months of August and February in each and every year, at the place mentioned therein, and the said debentures may bear interest at any rate not exceeding five per centum per annum.

Interest.

Application of proceeds of debentures.

4. The said debentures and all moneys arising therefrom, shall be applied by the said Corporation in the redemption of the now outstanding debentures of the Township of Amabel, issued in aid of the Stratford and Huron Railway Company, and in no other manner and for no other purpose whatsoever, and the said debentures may be known as "The Stratford and Huron Railway Debentures."

Relieving outstanding debentures.

5. The treasurer of the said Township, on receiving instructions from the Council so to do, shall, on the maturity of the debentures now outstanding, discharge the same with funds raised under the preceding sections of this Act, or may, with the consent of the holders of the said outstanding debentures, substitute therefor the debentures, or any of them, herein authorized to be issued, as may be agreed upon between the said Council and the holders of the said outstanding debentures.

By-laws not to be repealed until debts paid.

6. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Debts to be discharged by annual instalments.

7. A portion of the said debentures to be issued under this Act shall be made payable in each year of the currency of the said debentures and for a period not exceeding twenty-five years from the seventeenth day of November, 1898, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

8. It shall be the duty of the treasurer from time to time of the said Township to keep, and it shall be the duty of each of the members from time to time of the said Municipal Council to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts and the said book of account and statement shall, at all times and at all reasonable hours, be open to the inspection of any ratepayer of the said Township and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of the said debentures now outstanding.

Treasurer to keep proper books of account.

9. It shall not be necessary to obtain the assent of the electors of the said township of Amabel to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto, prescribed by *The Municipal Act*.

Assent of electors not required.

Rev. Stat. c 223.

10. The debentures to be issued under this Act may be in the form of Schedule A hereto, and the by-law or by-laws authorizing the same may be in the form set out in Schedule B to this Act.

Form of debentures and by-laws.

11. Any provisions of the Acts respecting municipal institutions which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the Corporation under the provisions of this Act, and no irregularity in form either of the debentures to be issued under this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence in any action which may be brought against the said Corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Inconsistent provisions not to apply.

12. This Act may be cited as *The Amabel Debenture Act*, Short title. 1897.



## SCHEDULE A.

(Section 10.)

PROVINCE OF ONTARIO, TOWNSHIP OF AMABEL. STRATFORD & HURON  
RAILWAY DEBENTURES.

\$

No.

Under and by virtue of The Amabel Debenture Act, 1897, and by virtue of By-law No. of the Corporation of the Township of Amabel, passed under the provisions contained in the said Act, the Corporation of the Township of Amabel in the County of Bruce promises to pay to the bearer at in the Town of the sum of \$ on the day of A.D. and to pay the bearer the half-yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at in the Township of Amabel, this  
day of A.D. 189

Reeve.

Treasurer.

## SCHEDULE B.

(Section 10.)

By-law No. of the Township of Amabel to authorize the issue of Debentures under the authority of The Amabel Debenture Act, 1897.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, to be known as the Stratford and Huron Railway Debentures, not exceeding the sum of \$21,800 in the whole, as the Corporation of the Township of Amabel may in pursuance of and in conformity with the provisions of the said Act direct ;

And whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ payable on the day of with interest thereon at the rate of per centum per annum, payable half-yearly, according to the coupons to the said debentures attached ;

And whereas the amount of the whole ratable property of the Township of Amabel, according to the last revised assessment roll of the said Township, being for the year of 1897, was \$

Therefore the Municipal Corporation of the Township of Amabel hereby enacts as follows :

1. Debentures under the said Act, and for the purposes therein mentioned, to be known as the Stratford and Huron Railway Debentures to the extent of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of per cent. per annum payable half-yearly on the eighteenth day of the months of August and February in each year.

3. This By-law shall come into effect forthwith after the passing hereof.

Passed in open Council this day of , 189

## CHAPTER 38.

An Act to confirm By-law No. 586, of the Town  
of Berlin.*Assented to 17th January, 1898.*

**W**HEREAS the Municipal Corporation of the Town of Preamble.  
Berlin have by their petition represented that the said Corporation passed a by-law, No. 586, entitled "By-law No. 586, to authorize the granting of a bonus of \$5,000 to D. Hibner & Co., and to provide for the issue of debentures therefor," wherein it was enacted that the said Corporation might aid the firm of D. Hibner & Co. by granting to them a bonus of \$5,000 to assist them in the rebuilding of their furniture factory which was totally destroyed by fire on the 12th day of November last; and whereas the said factory gave employment to a large number of hands, who have been thrown out of employment by reason of such fire, all of whom, specially skilled in furniture making, still reside in the said Town of Berlin, and many of whom own properties there; and whereas the said D. Hibner & Co. made a claim upon the said Town of Berlin to be recompensed, at least in part, for their loss by reason of such fire, such loss being in the aggregate \$50,000, only part of which was covered by insurance, and the said D. Hibner & Co. based such claim upon the fact, which the said municipal corporation admit, that the waterworks system of the said town at the point near the said factory was on the night of the said fire, defective to such an extent that the firemen were utterly unable to throw a stream of water higher than the second story of the said factory; and the said Corporation are desirous of compromising with the said D. Hibner & Co in respect of the said claim at the said sum of \$5,000; and whereas for the reasons aforesaid the said by-law, though entitled as a bonus by-law, is in reality a by-law to raise the sum of \$5,000 wherewith to pay the said D. Hibner & Co., the amount of their said claim against the said corporation as compromised as aforesaid; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money  
by-laws

by-laws as provided by *The Municipal Act*, and seven hundred and forty-eight of the ratepayers qualified to vote as aforesaid, voted in favour of the said by-law, and only one hundred and seventy-three ratepayers voted against it; and whereas it has been further represented that the said D. Hibner & Co. proceeded to rebuild and did rebuild their factory on the distinct understanding and assurance that they would be paid the said sum of \$5,000, and the Council of the said Town at the time the fire took place were unanimous in urging the said D. Hibner & Co. to go on with the rebuilding of the said factory on such understanding and assurance; and whereas the said Corporation by their petition have prayed that the said by-law may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.  
586 confirmed

1. The said by-law No. 586 of the Corporation of the Town of Berlin, intituled as set forth in the preamble to this Act and set out in Schedule A to this Act, is confirmed and declared to be valid and binding from the time of the passing thereof, to all intents and purposes, and the said Corporation is declared to be authorized by the said by-law No. 586 to raise by way of loan the sum of \$5,000 by the issue of debentures for that amount as in the said by-law No. 586 set forth, and to pay and grant the said sum of \$5,000 to the firm of D. Hibner & Co. as and by way of compensation to them for their loss sustained by reason of the said fire and by reason of the defect in the waterworks system of the said Town at the place and on the night of the said fire in the preamble to this Act referred to, and to levy an annual rate on all the rateable property within the said Town sufficient for the payment of the said debentures and the interest thereon as in the said by-law set forth; and all acts done or to be done and all payments made or to be made by the said corporation pursuant to the said by-law No. 586 are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

## SCHEDULE A.

### TOWN OF BERLIN.

#### *By-law No. 586.*

To authorize the granting of a bonus of \$5,000 to D. Hibner & Co. and to provide for the issue of debentures therefor.

Whereas the furniture factory of D. Hibner & Co., in the north ward of the town of Berlin, was totally destroyed by fire on Thursday, the 12th day of November, 1896,

And whereas, the said D. Hibner & Co., employed in the said factory a large number of hands and it is desirable in the interest of the said town that

that the said factory should be rebuilt, but the said D. Hibner & Co. are unable to rebuild the same without assistance.

And whereas it is expedient to grant to the said firm of D. Hibner & Co., a bonus of \$5,000 to aid them in the rebuilding of the said factory.

And whereas, for the purpose aforesaid it will be necessary for the corporation of the said town to issue its debentures for and to create a debt to the amount of \$5,000 as hereinafter mentioned, such debt and the debentures to be issued therefor, to be made payable in 20 years at the farthest from the day on which this by-law takes effect.

And whereas, it will require a certain specific sum of \$384.38 to be raised in each year during the said period of 20 years, which annual sum will be sufficient to discharge the several instalments of principal and interest accruing due on the said debt as the said instalments and interest become respectively payable according to the terms of this by-law.

And whereas the amount of the whole rateable property of the municipality of the town of Berlin, according to the last revised assessment roll, was the sum of \$2,939,290.

And whereas the amount of the said existing debt of the said municipality is for principal money the sum of \$139,827 and for interest the sum of \$6,550 and no portion of the said principal or interest is in arrear.

Be it therefore enacted by the corporation of the town of Berlin, by the municipal council thereof in council duly convened and assembled and it is hereby enacted :—

1. That it shall be lawful for the mayor of the said town of Berlin to cause to be raised by way of loan from any person or persons, or body or bodies corporate, who may be willing to advance the same upon the credit of the debentures hereinafter mentioned, a sum of money not exceeding in the whole the sum of \$5,000, and to cause the same to be paid into the hands of the treasurer of the said town for the purposes hereinbefore set forth.

2. That it shall be lawful for the said mayor to cause any number of debentures to the extent of \$5,000 to be made, of not less than \$100 each, which said debentures shall be sealed with the corporate seal of the said town, and signed by the mayor and countersigned by the treasurer thereof.

3. That the said debentures shall be made payable at the office of the treasurer of the said town on the 15th day of December in each of the next succeeding twenty years, commencing with the year 1897, for the respective amounts, that is to say :

For 1897.....	\$159 38
" 1898.....	166 56
" 1899.....	174 05
" 1900.....	181 98
" 1901.....	190 07
" 1902.....	198 62
" 1903.....	207 56
" 1904.....	216 90
" 1905.....	226 56
" 1906.....	236 86
" 1907.....	247 51
" 1908.....	258 65
" 1909.....	270 29
" 1910.....	282 46
" 1911.....	295 17
" 1912.....	308 45
" 1913.....	322 32
" 1914.....	336 05
" 1915.....	350 96
" 1916.....	369 60

And



And shall have attached thereto coupons for the payment of interest thereon.

That the said debentures shall be dated on the day this by-law shall take effect and shall bear interest at the rate of four and one-half per cent per annum from the date thereof, and such interest shall be payable yearly at the office of the said treasurer on the 15th day of December in each year of the said term.

That the said sum of \$384.38 required as aforesaid to be raised, levied and collected shall be so raised, levied and collected in each year during the currency of the said debentures by a special rate, sufficient therefor, on all the rateable property within the municipality of the said town.

6. That this by-law shall take effect on the 26th day of December, A.D. 1896.

7. That the votes of the qualified electors of the said town of Berlin shall be taken on this by-law by ballot, pursuant to *The Municipal Act*, on Monday the 14th day of December, A.D. 1896, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day, and at the places and by the deputy returning officers hereunder specified, that is to say :

For the north ward, north of the railway track, at Charles Doerr's biscuit factory—C. Doerr, deputy returning officer.

For the north ward, south of the R. R., Canadian block—Henry Oelschlager, deputy returning officer.

For the east ward, at the council chamber in the market building—Mr. Henry Aletter, deputy returning officer

For the south ward, at Henry Sippel's shop—Mr. Charles Aherns, jr. deputy returning officer.

For the west ward, at Cairns & Co.'s glove shop—Mr. J. K. Master, deputy returning officer.

8. That the clerk of this council shall sum up the number of votes given for and against this by-law at the council chamber, on the 15th day of December, 1896, at the hour of 11 o'clock in the forenoon.

9. That the mayor of the said town shall attend at the said council chamber, on the 12th day of December, 1896, at the hour of 3 o'clock in the afternoon, to appoint persons to attend at the various polling places and at the final meeting summing up of the votes by the said clerk respectively on behalf of the persons interested in and promoting or opposing the passage of this by-law respectively.

Finally passed after the assent of the ratepayers at the council chamber, at the town of Berlin, this 15th day of December, 1896.

J. C. BREITHAUP, Mayor.

Countersigned,  
H. ALETTER,  
Clerk.



## CHAPTER 39.

An Act respecting the consolidated debt of the Town of Cobourg, and for other purposes.

*Assented to 17th January, 1898.*

**W**HEREAS the Corporation of the Town of Cobourg has, Preamble.  
by its petition, represented that by an Act passed in the 55th year of Her Majesty's reign, chapter 67, entitled *An Act to consolidate the debt of the town of Cobourg*, the said Municipal Corporation was empowered to issue debentures to the amount of \$217,000; and whereas doubts exist as to whether section 4 of the said Act, which limits the duration of time which some of the said debentures have to run, so limits it to 35 years from the date of the first issue of said debentures, or to 35 years from the date of the last issue thereof, and it is desirable that such doubts should be removed; and whereas the contracts between the said Municipal Corporation and the Cobourg Waterworks Company, and the Cobourg Electric Light and Power Company, Limited, for the supply of water for fire protection, and for lighting the streets of the said Town will soon expire, and it is desirable that the said Municipal Corporation should have the power to purchase the property and plants of said companies, or to construct new plants, and to issue debentures to pay for the same; and whereas it is desirable that the said Municipal Corporation should have power to issue a limited amount of debentures for local improvements; and whereas no opposition has been offered, to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The respective times for payment of the debentures already issued by the said Corporation of the Town of Cobourg, as set out in the 1st column of schedule A, hereto annexed, and the debentures yet to be issued by the said Municipal Corporation Time for payment of debentures.

Corporation, as set out in the second column of said schedule, are hereby declared to be in compliance with the said Act, and the said Municipal Corporation may pass a by-law or by-laws authorizing the issue of debentures for the whole or any part of the amounts set out in the second column of the said schedule.

Purchase of  
waterworks.

2. Notwithstanding the provisions of chapter 72, 22nd Victoria "An Act to consolidate the debt of the Town of Cobourg and to authorize the issue of debentures on the security of the Town Property and for other purposes" or any other Act the said municipal corporation may issue debentures for a system of water works and electric lighting to an amount not exceeding in the whole the sum of sixty thousand dollars, under the provisions of the *Municipal Act* and other general acts in that behalf, but only with the consent of the rate-payers of the said town, in manner provided by *The Municipal Act*.

Rev. Stat.  
c. 223.

Local im-  
provement de-  
bentures.

Rev. Stat.  
c. 223.

3. The said municipal corporation may issue debentures for local improvements, under and subject to the local improvement clauses of *The Municipal Act* provided that there shall not be more than ten thousand dollars of such debentures outstanding at any one time.

## SCHEDULE A.

Setting forth in the 1st column the amounts of debentures issued by the corporation of the Town of Cobourg, under the authority of the Act passed in the 55th year of Her Majesty's reign, chapter 67, entitled *An Act to consolidate the debt of the town of Cobourg*, and in the 2nd column the amounts of debentures yet to be issued by the said municipal corporation, under the authority of said Act, as made clear by this Act.

1st Column.	2nd Column.
\$2,500 maturing in A.D. . . . 1900	\$4,500 maturing in A.D. . . . 1915
3,000 " " " " . . . . 1901	4,500 " " " " . . . . 1916
3,000 " " " " . . . . 1902	5,000 " " " " . . . . 1917
3,000 " " " " . . . . 1903	5,000 " " " " . . . . 1918
3,500 " " " " . . . . 1904	5,500 " " " " . . . . 1919
3,500 " " " " . . . . 1905	5,500 " " " " . . . . 1920
3,500 " " " " . . . . 1906	6,000 " " " " . . . . 1921
4,000 " " " " . . . . 1907	6,000 " " " " . . . . 1922
4,000 " " " " . . . . 1908	6,500 " " " " . . . . 1923
4,000 " " " " . . . . 1909	6,500 " " " " . . . . 1924
4,000 " " " " . . . . 1910	7,000 " " " " . . . . 1925
4,500 " " " " . . . . 1911	7,500 " " " " . . . . 1926
4,500 " " " " . . . . 1912	8,000 " " " " . . . . 1927
4,500 " " " " . . . . 1913	8,000 " " " " . . . . 1928
4,500 " " " " . . . . 1914	8,500 " " " " . . . . 1929
	9,000 " " " " . . . . 1930
\$56,000	9,500 " " " " . . . . 1931
	10,000 " " " " . . . . 1932
	10,500 " " " " . . . . 1933
	11,000 " " " " . . . . 1934
	\$144,000



## CHAPTER 40.

An Act to confirm and legalize a By-law of the  
Town of Collingwood.

*Assented to 17th January, 1898.*

## Preamble

WHEREAS the Corporation of the Town of Collingwood have by their petition represented, that the Grand Trunk Railway Company of Canada, are desirous of increasing their elevator facilities for the handling of grain at the harbour of Collingwood, provided that assistance is rendered by the municipality; that the Municipal Council of the Corporation of the Town of Collingwood being desirous of attracting a large number of vessels to the said harbour and of encouraging a large grain trade to and through the port of Collingwood, have agreed with the said railway company to grant a bonus of \$25,000 to the said company towards the erection and maintenance by the said company of a grain elevator of the minimum capacity of 700,000 bushels, on the said company's property within the limits of the Town of Collingwood, upon the terms and conditions more particularly set out in the agreement for that purpose to be entered into between the said Corporation of Collingwood and the said railway company: that the said municipal corporation have power under *The Municipal Act*, and amendments thereto, to grant the said bonus for the said purpose, upon obtaining the assent of the duly qualified ratepayers in the manner prescribed by the said Act, and to issue debentures therefor repayable at the end of thirty years if the said debt should be considered as a debt incurred for harbour improvements, otherwise repayable at the end of twenty years; that the said municipal corporation are desirous of making the said debentures repayable by annual sums during a period of thirty years, but have doubts as to whether the said proposed debt would be a debt incurred for harbour works or improvements and whether the said corporation have power to extend the time for repayment of the said proposed debt for a period of thirty years, and pray that

that an Act may be passed confirming and legalizing a by-law of the said municipal corporation when finally passed, granting a bonus of \$25,000 and certain privileges to the said railway company towards the erection and maintenance of the said elevator and authorizing the issue of debentures therefor repayable during a period of thirty years, which said by-law has already received the assent of the duly qualified ratepayers of the said municipality in manner provided by the said *Municipal Act*, and a copy of which by-law is set forth in schedule A to this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 519 of the Municipal Corporation of the Town of Collingwood, granting a bonus of \$25,000 and certain privileges to the Grand Trunk Railway Company of Canada, towards the erection and maintenance of an elevator at the Town of Collingwood by the said Company, and authorizing the issue of debentures therefor repayable during a period of thirty years, which by-law is set out at length in schedule A to this Act, is, upon the final passing thereof declared legal, valid and binding upon the said Municipal Corporation in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, notwithstanding any want of jurisdiction in the said municipality to pass such by-law and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same; and it shall be lawful for the mayor or head of the said municipality for the purposes aforesaid, to borrow the said sum of \$25,000 and to issue 30 debentures of the said municipality for the sum of \$1,626.28 each, the first one payable on the 31st day of December, 1899, and one in each of the twenty-nine succeeding years respectively, each debenture being the amount of principal and interest computed at the rate of five per cent. per annum repayable in each year respectively during thirty years according to schedule A to the said by-law. By-law No. 519 legalized.

2. The agreement referred to in the said by-law and which is set out in schedule B to this Act is hereby ratified and confirmed in the same manner and to the same extent as if set out at length and incorporated in this Act. Argument confirmed.

3. In order that any doubts as to the meaning and intention of the by-law and agreement mentioned in the preceding sections of this Act respectively may be removed it is hereby declared that the works to be constructed under the terms of the said agreement, which is schedule B to this Act, and the elevator and wharf and premises used in connection there- Assessment of property.

with now owned by the Grand Trunk Railway Company of Canada, in the town of Collingwood, shall be assessed at the sum of \$44,500, and no more, annually, for the term of twenty-five years from the date of the said agreement.

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## SCHEDULE A.

### *(Section 1.)*

By-law No. 519 of the Corporation of the Town of Collingwood, for the purpose of granting a bonus of \$25,000 to the Grand Trunk Railway Company of Canada, towards the erection and maintenance of an elevator for the handling of grain, having a minimum capacity of 700,000 bushels, at the harbour at the town of Collingwood; and to authorize the issue of debentures for the said sum and to fix the assessment to be placed upon the elevator facilities of the Grand Trunk Railway Company at the town of Collingwood.

Whereas the Grand Trunk Railway Company of Canada, having in contemplation the increasing to some considerable extent (by the formation of a company or otherwise) of the facilities for the storage and transportation of grain on their premises in the town of Collingwood, propose to the council of the said municipality to erect, construct and equip on their premises at the town of Collingwood at a point on or adjacent to, the site occupied by the present Grand Trunk elevator, such new and additional buildings, structures, yard room for tracks and sidings and facilities as will when completed, be sufficient to provide, in addition to that owned by the company at the said town of Collingwood, elevator equipment for the handling and storage of at least 700,000 bushels of grain provided that the said municipality would grant to the said Grand Trunk Railway Company, a bonus of \$25,000 and fix the assessment upon such elevators and wharves used therewith at a sum to be agreed upon between the said municipality and company for a period of twenty-five years; and whereas the erection and operation of the said new elevator will very largely advance the best interests of the town of Collingwood, will materially contribute towards increasing the revenues of the town and will bring to the harbour a large number of vessels engaged in the carrying of grain and other merchandise, thus tending to make Collingwood one of the chief ports on the upper lakes for the handling of grain for export and milling purposes; and whereas the said municipal council, propose to grant the said bonus and to fix the said assessment upon the terms and conditions more particularly set out in the agreement to be entered into between the corporation of the town of Collingwood and the Grand Trunk Railway Company of Canada, a copy of which said agreement is set out in schedule B to this by-law; and whereas it is necessary in order to grant the said bonus to borrow the sum of \$25,000 and in order thereto it will be necessary to issue debentures of the said municipality for the said sum of \$25,000; and whereas it is expedient to issue the said debentures repayable in annual instalments of principal and interest during a period of thirty years according to schedule A to this by-law; and whereas it will be necessary to raise upon all the valuable property within the municipality, in each year during the currency of the said debentures, a sum sufficient to discharge the several yearly sums of principal and interest accruing due, as the said yearly sums become respectively payable according to schedule A to this by-law; and whereas the amount of the whole rateable property within the said municipality according to the last revised assessment roll is the sum of \$1,259,356; and whereas the total amount of the existing debenture indebtedness of

the

the said municipality is the sum of \$194,361.88 as at 31st December, 1896, no part of which, either for principal or interest, is in arrears.

Be it therefore enacted by the municipal council of the corporation of the town of Collingwood as follows :

1. That a bonus of \$25,000 shall be granted to the Grand Trunk Railway Company of Canada towards the erection and maintenance of an elevator for the handling of grain for export and milling purposes, and having a capacity of not less than 700,000 bushels at the said town of Collingwood, upon the terms and conditions more specifically set forth in the agreement to be entered into between the said municipality and the Grand Trunk Railway Company, a copy of which said agreement is set out in schedule "B" to this by-law.

It shall be lawful for the mayor or head of the said municipality for the purposes aforesaid, to borrow the said sum of \$25,000 and to issue 30 debentures of the said municipality for the sum of \$1,626.28 each, payable on the 31st day of December, 1899, and each of the twenty-nine succeeding years respectively, each debenture being the amount of principal and interest computed at the rate of five per cent. per annum repayable in each year respectively during thirty years according to schedule A to this by-law.

3. The said debentures shall be payable at the Canadian Bank of Commerce in the town of Collingwood.

4. It shall be lawful for the mayor or head of the said municipality and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued and to cause the same to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

5. There shall be raised and levied annually for thirty years, by special rate upon all the rateable property within the municipality, the sum of \$1,626.28 being a sum sufficient to discharge the several yearly sums of principal and interest accruing due as the said yearly sums become respectively payable according to schedule A to this by-law.

6. That after the erection and completion of the said new elevator and facilities, the said elevators and wharves used in connection therewith of the Grand Trunk Railway at the town of Collingwood, shall be assessed at a sum to be agreed upon between the said municipality and the said company.

7. That in pursuance of *The Consolidated Municipal Act, 1892*, and amendments thereto, a poll shall be held and the votes of the duly qualified ratepayers entitled to vote on this by-law shall be taken at the same time, at the same places and by the same deputy-returning officers as the annual municipal elections are held, that is to say, on Monday the 3rd day of January, A.D., 1898, from the hour of nine o'clock in the morning until the hour of five o'clock in the afternoon of the same day.

At polling-subdivision No. 1 in the first ward, the town hall, Collingwood. W. R. Anderson deputy-returning officer; at polling sub division No. 2 in the first ward, Detson's store, lot No. 25 on the east side of Hurontario street, U. C. Miller deputy-returning officer.

At polling sub-division No. 3 in the second ward, Mrs. Hill's residence lot No. 8 on the east side of Ste. Marie street, Charles Peter, deputy returning officer.

At polling sub-division No. 4 in the third ward, James' pump factory, lot No. 13 on the east side of Beech street, M. J. Pornphrey deputy-returning officer.



At polling sub-division No. 3 in the fourth ward, Mrs. Mulholland's residence, lot No. 38 on the west side of Beech street, Patrick Howard deputy returning officer.

At polling sub-division No. 6 in the fifth ward, Thos. Gillson's residence, at No. 42, on the west side of Pine street, Thomas Gillson deputy-returning officer.

8. That the clerk of the council of the corporation of the town of Collingwood shall be the returning officer to receive the vote and on Tuesday, the 4th day of January, 1898, at the hour of two o'clock in the afternoon, the said clerk shall attend at the council chamber in the town hall, Collingwood, and in the presence of the persons authorized to attend or such of them as may be present, sum up the number of votes for and against this by-law, and shall then and there declare the result, and forthwith certify to the council, under his hand, whether the majority of the electors voting upon the by-law have approved or disapproved of the by-law.

9. That on Friday, the 31st day of December, A.D., 1897, at the hour of two o'clock in the afternoon, the mayor or head of the said municipality shall attend at the council chamber in the town hall, Collingwood, for the purpose of appointing two persons to attend at the final summing up of the votes by the clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law respectively.

That this by-law shall come into force and have effect from and after the final passing thereof.

Passed in open council this 10th day of January, A.D., 1898

JOHN HOGG,  
Clerk.

JOHN CHAMBERLAIN,  
Mayor.



## SCHEDULE A.

(to by-law.)

No. of Deben- tures.	Year.	Date of pay- ment of interest and principal.	Interest Amount.	Principal Amount.	Total Amount.
1	1899	Dec. 31	\$1,250 00	\$ 376 28	\$1,626 28
2	1900	Dec. 31	1,231 17	395 11	1,626 28
3	1901	Dec. 31	1,211 42	414 86	1,626 28
4	1902	Dec. 31	1,190 68	435 60	1,626 28
5	1903	Dec. 31	1,168 90	457 38	1,626 28
6	1904	Dec. 31	1,146 03	480 25	1,626 28
7	1905	Dec. 31	1,122 02	504 26	1,626 28
8	1906	Dec. 31	1,096 80	529 48	1,626 28
9	1907	Dec. 31	1,070 33	555 95	1,626 28
10	1908	Dec. 31	1,042 58	583 75	1,626 28
11	1909	Dec. 31	1,013 34	612 94	1,626 28
12	1910	Dec. 31	982 70	643 58	1,626 28
13	1911	Dec. 31	950 52	675 76	1,626 28
14	1912	Dec. 31	916 73	709 55	1,626 28
15	1913	Dec. 31	881 25	745 03	1,626 28
16	1914	Dec. 31	844 00	782 28	1,626 28
17	1915	Dec. 31	804 89	821 39	1,626 28
18	1916	Dec. 31	763 83	862 45	1,626 28
19	1917	Dec. 31	720 71	905 57	1,626 28
20	1918	Dec. 31	675 43	950 85	1,626 28
21	1919	Dec. 31	627 89	998 39	1,626 28
22	1920	Dec. 31	577 97	1,048 31	1,626 28
23	1921	Dec. 31	525 55	1,100 73	1,626 28
24	1922	Dec. 31	470 51	1,155 77	1,626 28
25	1923	Dec. 31	412 73	1,213 55	1,626 28
26	1924	Dec. 31	352 05	1,274 23	1,626 28
27	1925	Dec. 31	288 34	1,337 94	1,626 28
28	1926	Dec. 31	221 44	1,404 84	1,626 28
29	1927	Dec. 31	151 20	1,475 08	1,626 28
30	1928	Dec. 31	77 44	1,548 84	1,626 28
			<hr/> \$23,778 40	<hr/> \$25,000 00	<hr/> \$48,788 40

SCHEDULE B TO THE ACT AND SCHEDULE B TO  
BY-LAW.

THIS AGREEMENT made in triplicate this thirteenth day of December in the year of our Lord 1897, one thousand eight hundred and ninety-seven, between the Grand Trunk Railway Company of Canada hereinafter called "the company" of the first part and the corporation of the town of Collingwood hereinafter called "the corporation" of the second part.

Whereas the company have in contemplation the increasing to some considerable extent (by the formation of a company or otherwise) of the facilities for the storage and transportation of grain on their premises in the town of Collingwood, and the said corporation being desirous of bringing to the harbour at Collingwood a large number of ships laden with grain and having the power to do so under *The Municipal Act* have offered to assist the said company in the said enterprise by granting them a bonus to the extent of \$25,000 upon the terms and conditions hereinafter set forth.

Therefore

Therefore this agreement witnesseth that the said parties have and they do hereby covenant, promise and agree each with the other, in manner following, that is to say :—

1. That the said company will cause to be erected, constructed and equipped on their premises in the town of Collingwood at a point on, or adjacent to, the site occupied by the present Grand Trunk elevator, such new and additional buildings, structures, yard room for tracks and sidings and facilities as will, when completed, be sufficient to provide in addition to that now owned by the said company at the said town of Collingwood, elevator equipment for the handling and storage of at least 700,000 bushels of grain, such new and additional elevator and work in connection therewith to be of a modern and substantial character and to be such as shall be determined upon and approved of by the chief engineer of the said company for the time being, the work to be proceeded with and completed as soon as practicable after the execution of this agreement.

2. That upon completion of the work to the approval and satisfaction of the said chief engineer of the company, the corporation shall pay over to the company the said sum of \$25,000 as a bonus towards the cost of said works and upon the condition herein set forth.

3. The said company covenant and agree that they will cause to be maintained and kept, the said elevator and facilities in good working order and repair, and use it as far as practicable to carry out the intention and agreement expressed in clause 5 hereof.

4. The said company agree to keep the said elevator and premises at all times insured to the extent of at least \$25,000 and in the event of the destruction of the premises by fire, the company shall within twelve months thereafter determine whether they shall rebuild same or not, and in case they decide not to rebuild, then the company covenant and agree to pay to the corporation out of the said insurance moneys such sum as may be due on the basis calculated under the terms provided for in clause 5, and upon that being done all the obligations of the company under this agreement shall be at an end. In case the company determine to rebuild the said premises, they shall do so within eighteen months after such decision is reached.

5. It is agreed that the company shall cause to be kept and maintained the said elevator and facilities at the said town of Collingwood for the purpose of carrying on a large grain trade for milling purposes in Canada and for export and if possible to have it even increased beyond the extensive facilities now intended to be provided, but in order to provide against disputes, should the company desire to put an end to their obligations under this agreement, it is hereby mutually agreed by and between the parties that the company shall have the right to put an end to this agreement on giving one month's notice in writing to the corporation of their intention to do so, and at the expiration of one month from the service or the said notice the obligations of the said company under this agreement shall be at an end, and in such case the company shall refund to the corporation such sum in full of all damages for breach of this agreement as may be found due, calculated upon the following basis, viz. : should the company have kept and maintained the said elevator and its appliances in good order and repair for twenty-five years from the date of this agreement then in case of the notice being given as above mentioned nothing shall be due or demanded, but in the event of the notice being given at any time before the expiration of the twenty-five years, then the company shall refund \$1,000 per year for every year that has to elapse from the time the said notice is given until the twenty-five years are completed, inclusive of the year in which the notice is given as aforesaid, and upon the sum being paid, calculated as aforesaid, by the said company to the corporation all the rights of action of the said corporation against the company for any breach of this agreement shall be extinguished and satisfied.

6. The corporation agree to fix the assessment of the old elevator and the new elevator and wharves and premises in connection with both elevators at the present assessment of \$44,500 for twenty-five years from the date hereof.

7. This agreement is subject to the assent of the ratepayers of the town of Collingwood being obtained in the manner provided by law, and the said corporation agrees to submit a by-law to the said ratepayers for that purpose at the ensuing municipal elections.

In witness whereof the said parties have hereunto affixed their corporate seals on the day and year first above written.

GRAND TRUNK RAILWAY COMPANY OF CANADA.

[L. S.]

R. S. LOGAN.

By CHAS. M. HAYS,  
General Manager.

{ Seal  
of  
Corporation. }

JOHN CHAMBERLAIN,  
Mayor.  
JOHN HOGG,  
Clerk.

Witness :

JOHN BIRNIE, JR.



## CHAPTER 41.

## An Act respecting the Town of Goderich.

*Assented to 17th January, 1898.*

## Preamble.

**W**HEREAS the Corporation of the Town of Goderich, has by its petition, prayed for leave to aid in the erection of a grain elevator at the harbour in the said Town, by way of bonus or loan, or by taking stock in a joint stock company to be organized and incorporated for the said purpose, and also by way of remission of taxes upon such elevator and the necessary lands, machinery and plant therefor, upon such terms as to the municipal council of the said Corporation may seem advisable; and whereas the said Corporation has also asked for leave to sell certain lands in the said Town, being a parcel of about one acre originally granted to the said Town for public purposes, and which for about forty years past has been leased to various parties for general business purposes and the said lands are not now, and are not hereafter likely to be, required for public uses; and whereas the said Corporation has also asked for authority to sell the property heretofore known and occupied as the Mechanics' Institute of the said Town; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to raise  
\$50,000 on  
debentures for  
aid to grain  
elevator.

1. It shall be lawful for the Corporation of the said Town of Goderich to pass a by-law or by-laws for the purpose of raising by way of loan, on the credit of the debentures of the said Corporation, a sum not exceeding in the whole \$50,000, at a rate of interest not exceeding five per cent., from any person or persons, body or bodies corporate, who may be willing to advance the same, for the purpose of aiding in the construction and establishment of a grain elevator at or near the harbor in the

the said Town, which said aid may be granted and applied by way of loan, or of bonus, or by subscribing and paying for capital stock in a joint stock or other company, organized, or to be organized for the purpose of acquiring and managing the said elevator, to such amount (not exceeding the said sum of \$50,000), and upon such terms and conditions as may seem advisable to the municipal council of the said Corporation, but such by-law or by-laws shall, before being finally passed, be submitted to the votes of the electors entitled to vote upon by-laws creating debts not payable within a year from the creation thereof, and shall be approved by a majority of those voting thereon, and the provisions as to procedure and otherwise contained in *The Municipal Act*, and the amendments thereto, respecting by-laws creating debts, shall apply to such by-law or by-laws, passed or to be passed under the authority of this Act, as if expressly incorporated herewith.

Rev. Stat.  
c. 223.

2. The said the municipal council of the said corporation may also, from time to time, in addition to the said financial aid, by by-law or by-laws passed from time to time, exempt the said elevator and the necessary lands, machinery and plant used or to be used in connection therewith, from all or any part or portion of the municipal taxes thereon, (except school taxes), for such period or periods or succession of periods as the said municipal council may deem advisable.

Exemption of  
grain elevator  
from taxation.

3. Notwithstanding any trusts, easements or other rights whether public or private, (if any), with which the original grant of the hereinbefore mentioned lands to the said corporation was affected, the said corporation may sell, lease, manage and dispose of the said lands by public auction, or private sale, as to the municipal council thereof may seem advisable, the same being composed of lots numbers eight hundred and twelve, eight hundred and thirteen, eight hundred and fourteen, eight hundred and thirty-six, eight hundred and thirty-seven and eight hundred and fifty-six, running numbers in the said town of Goderich, and the proceeds of the sale or sales thereof shall belong to and form part of the general funds of the said Corporation.

Old cemetery  
lands, etc.,  
power to sell.

## CHAPTER 42.

## An Act respecting certain By-laws concerning Drainage in the Townships of Grey, Elma and McKillop.

*Assented 17th January, 1898.*

Preamble.

WHEREAS the Corporation of the Township of Grey in the County of Huron, have, by their petition, represented that prior to the passing of "*The Drainage Act, 1894*," they had undertaken certain drainage works under the provisions of "*The Consolidated Municipal Act, 1892*," and amendments thereto, for the purpose of securing an improved outlet for certain drainage in the said Townships, using a certain drain in the said Township of Grey constructed by local assessment, called and known as "Government Drain Number 2," which said improved outlet involved and required the deepening and straightening of a certain stream in the said Township of Grey, known as Beauchamp's Creek, into which the said Government Drain Number 2 emptied in the said Township of Grey and which in turn emptied into the Maitland River, also within the said Township of Grey, the said river, as it flows through the said Township of Grey forming the ultimate outlet for all the said drainage system, using the said Government drain number 2, and thereupon procured James A. Bell, Esq., C. E., to make an examination of, and report concerning the said drainage system, including Beauchamp's Creek aforesaid, and to prepare plans, specifications and estimates of the said proposed work in order to procure the said improved outlet, and also an assessment to be made by the said engineer, of the real property to be benefited by such work, and thereupon duly passed, on the 10th day of April, 1894, a by-law (No. 53) adopting the said report of the said engineer and directing the said works to proceed under the

the provisions of the said statutes then in force in that behalf, and to borrow upon the credit of the said municipality the sum of \$16,210.33 for the completion of the said works, and thereupon duly served the reeves of the said Townships of McKillop and Elma with copies of the said report, plans, specifications, assessments and estimates of the said engineer, which were not appealed against, and thereafter, the said council of the Township of McKillop, on the 28th day of June, 1894, duly passed a by-law to raise by assessment its proportion of the cost of the said works, as fixed by the said engineer in and by his said report, and the council of the said Township of Elma also proceeded to pass a similar by-law on behalf of that Township, but before it was finally passed, certain proceedings were instituted in the High Court of Justice by one Albert Broughton, whose lands in the said Township of Elma were among those included in the said assessment against the said Townships of Grey and Elma, wherein the said by-law of the said Township of Grey was, by the judgment of the Supreme Court of Canada, finally declared to be invalid, and the said Township of Elma was thereby restrained from finally passing their said by-law; and whereas as appears by the said petition, the said examination and survey, and the said report thereon of the said engineer, involved, together with the other necessary preliminary expenses properly incurred by the said Township of Grey, a total expenditure of the sum of \$1,000 or thereabouts, and the said Township had also, before the rendering of the said final judgment, proceeded with the said work, trusting to recoupment under the said by-laws, and had thereby expended the sum of \$2,576 upon such work, in addition to a large claim against the said Township by the contractor, for work done, but not yet paid for; and whereas as further appears by the said petition, the said several municipalities interested in the said drainage works desire the same to proceed as originally projected, and that the objections to the said by-law of the said Township of Grey which finally prevailed were either based upon the wholly erroneous assumption that the said stream called Beauchamp's Creek flowed through the said Township of Elma and could be, and was used by the said Albert Broughton as an outlet without using the said Government Drain Number 2 in the said Township of Grey, or were formal or technical, and in no way fundamental; and whereas the said the Corporation of the Township of Elma has requested that, in enlargement of the said original drainage scheme, the said Government Drain Number 2 should be continued easterly to the boundary line between the said Townships of Grey and Elma, the better to afford an outlet for the waters coming from the said Township of Elma, and has also alleged that since the initiation of the said drainage scheme, and pending the said legal proceedings, certain of the lands and roads in the said Township of Elma originally embraced in the said drainage scheme have been enabled in whole or in part to be drained by means of other drains since constructed, or directed

by



by engineers' awards to be constructed, without resorting to the said Government Drain Number 2 for an outlet, and has, accordingly, requested that before the said works be proceeded with, there should be a re-examination of the said lands and roads in the said Township of Elma by the engineer, and a review and amendment of the said assessment of the said lands and roads in the said Township of Elma to meet the said alleged altered circumstances; and whereas the said proposed extension of the said Government Drain Number 2, eastward, will not affect the lands and roads in the said Township of McKillop; and whereas it is desirable to provide for the said proposed extension eastward of the said Government Drain to the said boundary as part of the said original drainage scheme, and for the said re-examination of the lands and roads in the said Township of Grey lying to the east of the easterly end of said Government Drain Number 2 and in the Township of Elma affected by the said drainage scheme, with a view to the amendment or variation of the said assessment as originally made by the said engineer and to amend and confirm the said by-law of the said Township of Grey, and to confirm the said by-law of the said Township of McKillop, and to confirm the said by-law as provisionally passed by the said the Township of Elma, subject, however, in the case of the said by-laws of the said the Townships of Grey and Elma to such further amendment as may be necessary to give effect to the results of the engineer's supplemental assessment and report concerning the said proposed extension of Government Drain Number 2 and the said alleged changed circumstances affecting the said original assessment of lands and roads in the said the township of Elma;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-law 53 of Township of Grey confirmed as amended

1. The said by-law of the said, the Township of Grey being by-law number 53 of the said Township, is hereby as amended and set forth in the schedule hereto, marked A, validated and confirmed.

By-law 29 of the Township of McKillop confirmed.

2. The said by-law of the Township of McKillop, being by-law number 29, of the said Township, subsidiary to the said by-law of the said Township of Grey, finally passed on June 28th, 1894, is also hereby validated and confirmed.

By-law of Township of Elma confirmed.

3. The said by-law of the said Township of Elma, also subsidiary to the said by-law of the said Township of Grey, which has been only provisionally passed, is also hereby validated and confirmed, subject, however, as hereinafter set forth.

4. After the passing of this Act, the municipal council of the said Township of Grey may employ the said, or some other competent civil engineer to make a survey and to prepare plans and specifications for the extension of the said Government Drain Number 2, eastward, to the boundary line between the said Townships of Grey and Elma, as if such extension had originally formed a part of the said drainage scheme, and he shall make an assessment of the lands and roads in the said Townships of Grey (if any) and Elma, using or requiring to use the said proposed extension for outlet or benefit or otherwise. And the said engineer shall also examine the lands and roads in the said Township of Elma originally embraced in the said drainage scheme with a view to amending the said original assessment thereof, having regard to the said alleged change of circumstances and to the said proposed extension of the said Government Drain Number 2, and in the event of the said engineer, owing to the change of circumstances, relieving any lands in Elma from the original assessment thereof, in whole or in part, the said engineer shall distribute such amount, *pro rata*, among all the lands in the Townships of Grey and Elma embraced in the drainage area according to the original assessment thereof, and shall make his report in writing supplemental to the said former report as set forth in the said by-law contained in schedule A hereto, to the said, the municipal council of the Township of Grey, showing what he shall have done and what assessments he shall have made in the premises, and a copy of such report shall be forthwith delivered by the said, the municipal council of the Township of Grey to the township clerk of the said Township of Elma.

Powers of  
Township of  
Grey as to,  
extending,  
Government  
Drain No. 2.

5. No provisional by-law adopting such report shall be necessary on the part of any of the said townships, but the said report shall be binding upon each of said Townships of Grey and Elma, and shall not be appealed against by either township, and the said the Townships of Grey and Elma shall within one month from the making of the said report each hold a Court of Revision for the purpose of hearing appeals from the assessments contained in the said supplemental report, which said appeals may be made as if the said report had been duly adopted in the usual manner by a provisional by-law; public notice of the holding of such courts shall be given by advertisements in a newspaper published in the County of Huron for appeals in the said Township of Grey and in a newspaper published in the County of Perth for appeals in the said Township of Elma, in at least two weekly issues appearing before the sittings of the said courts and in other respects the several provisions of *The Municipal Drainage Act*, and amendments thereto respecting appeals from assessments for drainage purposes shall apply to such appeals if any as if expressly incorporated herewith and within two months after the making of the said supplemental report the said the municipal council of the Township of Grey shall pass a further

Report to be  
binding on  
Grey and  
Elma.

Rev. [Stat.,  
c. 226.

a further or supplemental by-law in the nature of an amendment of the said by-law set forth in the said schedule A hereto making due provision respecting the said extension of Government Drain Number 2 and the costs thereof and the additional assessment (if any) made by the said engineer and set forth in his said report in respect of lands and roads in the said Township of Grey as finally revised as aforesaid as if such proposed extension had originally formed part of the said drainage scheme; and the said the municipal council of the said Township of Elma shall in like manner within two months after the making of the said report finally pass its by-law so provisionally passed as aforesaid, but amending and correcting the amount to be borrowed upon the credit of the municipality and the assessment therein set forth to conform to and embody the new assessment to be contained and set forth in the said supplemental report as finally revised as aforesaid.

Power to  
amend by-  
laws by ex-  
tending the  
period of loan.

6. The said several by-laws of the said townships, and each of them may also be further amended for the purpose of extending the time for which the money required for the said works may be borrowed, and for the re-payment of the said several assessments or any of them contained in the said by-laws or otherwise adjusting such assessments or re-payments so that the total sum to be raised shall not exceed the said sum of \$16,210.33 plus the amount estimated by the said engineer for the construction and completion of the said easterly extension of the said Government Drain Number 2 and so that the time for the re-payment thereof and for the last assessment payable under the said by-laws or any of them shall not extend beyond the period of twenty years from the first day of January, 1899.

Recouping  
township for  
expenses of,  
surveys, etc.

7. The said the Corporation of the Township of Grey may lawfully recoup itself out of the total assessments for the said works for all monies by it properly expended in procuring the said original and supplementary surveys, assessments and reports and the preliminary expenses properly incurred by the said township in connection with the original passing of the said by-law in Schedule A hereto and also for all expenditures heretofore made, and obligations incurred by the said the Township of Grey in performance or part performance of the works authorized or intended to be authorized by the said original report of the said engineer and the said several by-laws.

Debentures,  
validity of.

8. The debentures to be issued by the said several municipalities to provide the money for the said drainage work shall be valid in the hands of the purchasers and be binding upon the corporation issuing them to the extent of the money actually advanced on the security and interest thereon according to the provisions of the same and the said several by-laws when finally passed shall not be quashed or set aside on any ground whatever.



9. Except as herein specially provided the provisions of *The Municipal Drainage Act, 1894*, shall apply to the said drainage work and the said by-laws and the proceedings thereunder and to the future repair and maintenance thereof.

Application  
of Rev. Stat.  
c. 226.

10. Any of the owners whose lands in the Township of Elma were originally embraced in the said drainage scheme and which are since affected by engineer's award or awards made under *The Ditches and Water Courses Act*, may, notwithstanding the provisions of section 36 of *The Ditches and Water Courses Act*, take proceedings under that Act for the reconsideration of the said award or awards at any time within three months after the passing of this Act.

Reconsideration of  
awards made  
under Rev.  
Stat., c. 285.

11. The corporation of the Township of Elma may retain out of the monies to be borrowed under its said by-law, all monies by it properly expended in connection with the passing of its provisional by-law and the final passing of the amended by-law hereby provided for.

Recouping  
township of  
Elma for  
expenses of  
by-laws.

## SCHEDULE A.

### BY-LAW No. 53 OF THE TOWNSHIP OF GREY, IN THE COUNTY OF HURON.

A BY-LAW to provide a proper outlet for, and otherwise for the improvement and extension of Government drain number 2, in the said township, and for borrowing on the credit of the municipality the sum of Nine Thousand Six Hundred and Seventy-eight Dollars and Thirty-six cents (\$9,678.36), the said Municipalities proportion of the funds necessary for the work

Whereas, the drain known as number 2 Government drain, in said township, constructed under the provisions of *The Ontario Drainage Act of 1873*, and payable by local assessment, has heretofore been, and is now being, used as an outlet for a number of other drains in the township of Grey, and in the adjoining municipality of the township of Elma, constructed under the provisions of the various statutes in force, respecting drainage, and when the changes and improved outlet hereinafter provided for are made, will be used by a large number of other lands in the said townships and in the said township of McKillop for outlet, and, it having been satisfactorily established, that the said Government drain number 2 has an insufficient outlet, by reason whereof it is unable to carry away the waters which now reach it, thereby exposing the adjacent lands to damage, and making it impossible to properly and efficiently maintain the said drain; it was, thereupon, determined by the Municipal Council of the said township of Grey, pursuant to section 585 of *The Municipal Act, 1892*, to make a new outlet for the said Government drain number 2, and to otherwise improve and extend the said drain with a view to its greater efficiency, and to prevent the said threatened damage to the said adjacent lands.

And whereas, thereupon, the said Council procured an examination to be made of the locality embraced in the said drainage system including the said Government Drain number 2, by James A. Bell, a Provincial Land Surveyor and Civil Engineer, and also procured plans and estimates of the work, to be made by him, and also an assessment to be made



made by him of the lands and roads to be benefited by the said work, including the lands of those who are using the said Government Drain number 2, for outlet, but who did not contribute to its construction, and those who may, after the said changes are made, use the same for outlet, being the assessment hereinafter by this By-law enacted to be assessed and levied upon the lots and parts of lots hereinafter in that behalf specifically set forth and described, and the report of the said James A. Bell in respect of the said several matters is as follows;—

ST. THOMAS, January 18th, 1894.

*To the Reeve and Council of the Township of Grey :*

GENTLEMEN,—I was instructed by your Honourable body in August last to make an examination of No. 2 Government Drain in your Township. I presented you with a report on September 6th, 1893, as the result of my examination. In my report I stated as follows:—“This drain which has its head or commencement on Road Allowance between the 17th and 18th concessions at about the line between lots 28 and 29, and was constructed from this point westerly along the road to the Beauchamp Creek. <sup>287008</sup> ~~287008~~”

“It is evident, when constructed that it was only intended to drain the lots adjacent to it. This is shown by the fact that it was originally constructed a small drain, and also that only a small acreage was assessed for its construction. I find now, that through a system of drains constructed under the Ditches and Watercourses Act, and the Municipal Drainage Act, that this drain forms the outlet for the waters of about five thousand acres of your Township and about four thousand five hundred acres of the Township of Elma.

“The result is that the drain is entirely inadequate to carry off the waters brought to it, and consequently overflows and injures the lands along and adjacent to it.

“I have examined the outlet of this drain, or what is known as the Beauchamp Creek, from where the Government Drain enters it until it has its outlet into the Maitland River, and I find that in order to make a proper outlet for said drain, and to prevent damage to adjacent lands, it will be necessary to improve this creek to the line between the 12th and 13th concessions, which is almost to its intersection with the Maitland River. This creek, as a whole, is in a very bad state to form a proper outlet for the extent of country that drains into it. In places there is a well defined channel requiring little improvement, while in most of its course it will require to be deepened, widened and straightened, and have all the fallen timber taken out.

“Those lands that are now using No. 2 Government Drain as an outlet, and were not assessed for its construction should be now assessed for its use, and the amount so raised should be credited to the lots originally assessed for the drain pro rata to their assessment.”

My report was read and considered by your Council and adopted, and I was instructed to make the necessary surveys, plans, profiles and specifications for the enlargement of No. 2 Government Drain, in order that it would be capable of carrying off the waters brought to it, without damaging adjacent lands and to carry the said drain to a proper outlet, and to assess the cost thereof against the lands and roads benefited and using the same for an outlet, and also to assess the lands and roads that are using said drain as an outlet and that did not contribute to its original construction.

I now have the honour to report that I have completed the necessary surveys for the carrying out of the work as above described, and have examined the lands and roads that will be benefited by said work and that will use it as an outlet; and have also prepared plans, profiles, specifications and estimates showing the proposed work in detail, with an assessment against the lands and roads that will use the proposed drain and outlet

outlet for benefit and outlet. I have also made an assessment against the lands and roads that are using No. 2 Government drain as an outlet, for the value of the drain from stake 29½ (where the first drain enters) to the Beauchamp creek. The value of this part of the drain I estimate at one thousand two hundred and twenty-five dollars and eighty-six cents (\$1,225.86), and the amount I assess for the use of this outlet I have credited to the lots originally assessed for the construction of the said drain and in proportion to the original assessment. I have shown this fully in different columns of my assessment.

I find that there are some lots in the 18th concession of the Township of Elma and a small portion of the corner of Township of Logan whose waters would naturally trend and have an outlet into the proposed improvement, but drains are constructed and arrangements made to take those waters in another direction, so that I have not included them in my assessment.

I have assessed the lands contiguous to the drain and outlet for benefit, and the lands and roads naturally draining into the same for outlet, and have shown the amounts for each in separate columns of my assessment.

In my estimate of the cost of the work, I have provided for the clearing of the timber and bush from the road allowance along the Government drain, and for the grubbing of the roadbed and grading the excavated earth thereon. The amount estimated for this work I have assessed against the road allowance between the 17th and 18th concessions of your township.

In laying out the work I have endeavored as far as practicable, to straighten the course of the Beauchamp Creek or outlet. The amount of fall in the proposed work being small the effect of straightening and shortening the course of the proposed work is very important; on lot No. 6, in the 13th concession, a short cut is made that very materially benefits the proposed work, and is of such a nature that compensation should be paid to the owner of said lot. I have placed in my estimates an amount to be paid the owner of said lot for the land taken by said short cut.

I have shown the proposed work on the profiles in different sections, each section having the same bottom width of drain.

My estimate of the cost of the work is as follows :

Section No. 1,	2,531 cubic yards at 15 cents per yard	\$	379 65
“ 2	9,260 “ 15 “		1,389 00
“ 3	5,565 “ 15 “		834 75
“ 4	10,801 “ 13 “		1,404 13
“ 5	25,266 “ 13 “		3,284 58
“ 6	28,700 “ 14 “		4,018 00
“ 7	11,689 “ 14 “		1,636 46
“ 8	12,025 “ 13 “		1,563 25
* Surveys, examinations, plans, profiles, specifications, estimates and assessments.....			601 51
Assistance in surveys.....			64 00
Superintending construction of work.....			450 00
Clerk's fees, township of Grey.....			97 00
Clerk's fees, township of McKillop.....			19 00
Clerk's fees, township of Elma.....			46 00
Publishing by-law, township of Grey.....			50 00
Publishing by-law, township of McKillop.....			25 00
Publishing by-law, township of Elma.....			25 00
Right of way, lot 6, concession 13, township of Grey.			23 00
Clearing, grubbing and grading road between 17th and 18th concessions, township of Grey.....			300 00
Total.....			\$16,210 33

This

This sum I assess against the lands and roads to be benefited by the proposed work, and the lands and roads that will use the same as an outlet, as follows:—

## ASSESSMENT TOWNSHIP OF ELMA.

Description.	Lot	Con.	No. of acres.	Amount assessed for original con- struction of Gov- ernment Drain No. 2.	Amount assessed for outlet.	Total assessment.
S. $\frac{1}{2}$ .....	1	13	50	\$ 5 46	\$36 12	\$41 58
".....	2	13	50	6 11	40 42	46 53
".....	3	13	50	6 50	43 00	49 50
".....	4	13	50	6 50	43 00	49 50
".....	5	13	50	5 33	35 26	40 59
".....	6	13	50	5 98	39 56	45 54
".....	7	13	100	6 50	43 00	49 50
S. W. $\frac{1}{4}$ .....	8	13	25	1 56	10 32	11 88
".....	1	14	100	13 00	86 00	99 00
".....	2	14	100	13 00	86 00	99 00
".....	3	14	100	13 00	86 00	99 00
".....	4	14	100	13 00	86 00	99 00
".....	5	14	100	13 00	86 00	99 00
".....	6	14	100	13 00	86 00	99 00
".....	7	14	100	13 00	86 00	99 00
".....	8	14	100	12 09	79 98	92 07
".....	9	14	100	3 38	22 36	25 74
".....	1	15	100	13 00	86 00	99 00
".....	2	15	100	13 00	86 00	99 00
".....	3	15	100	13 00	86 00	99 00
".....	4	15	100	13 00	86 00	99 00
".....	5	15	100	13 00	86 00	99 00
".....	6	15	100	13 00	86 00	99 00
".....	7	15	100	13 00	86 00	99 00
".....	8	15	100	13 00	86 00	99 00
N. pt. (a).....	9	15	70	6 97	59 34	66 31
S. pt. (b).....	9	15	25	3 25	21 50	24 75
S. pt. (c).....	9	15	5	65	4 30	4 95
W. $\frac{1}{2}$ .....	10	15	50	4 55	30 10	34 65
E. $\frac{1}{2}$ .....	10	15	50	2 60	17 20	19 80
S. W. $\frac{1}{4}$ .....	11	15	25	26	1 72	1 98
".....	1	16	100	13 00	86 00	99 00
".....	2	16	100	13 00	86 00	99 00
".....	3	16	100	13 00	86 00	99 00
".....	4	16	100	13 00	86 00	99 00
".....	5	16	100	13 00	86 09	99 00
".....	6	16	100	13 00	86 00	99 00
W. $\frac{1}{2}$ .....	7	16	50	6 50	43 00	49 50
E. $\frac{1}{2}$ .....	7	16	50	6 50	43 00	49 50
".....	8	16	100	13 00	86 00	99 00
".....	9	16	100	13 00	86 00	99 00
".....	10	16	100	13 00	86 00	99 00
W. $\frac{1}{4}$ .....	11	16	50	6 37	42 14	48 51
E. $\frac{1}{4}$ .....	11	16	50	5 59	36 98	42 57
N. $\frac{1}{4}$ .....	12	16	75	1 82	12 04	13 86
S. $\frac{1}{4}$ .....	12	16	25	2 34	15 48	17 82
".....	1	17	100	13 00	86 00	99 00
W. $\frac{1}{2}$ .....	2	17	50	6 50	43 00	49 50
E. $\frac{1}{2}$ .....	2	17	50	6 50	43 00	49 50

Description

Description.	Lot.	Con.	No. of acres.	Amount assessed for original con- struction of Gov- ernment Drain No. 2	Amount assessed for outlet.	Total assess-ment.
.....	3	17	100	\$613 00	\$86 00	\$699 00
.....	4	17	100	13 00	86 00	99 00
S. $\frac{1}{2}$ .....	5	17	50	6 50	43 00	49 50
N. $\frac{1}{2}$ .....	5	17	50	6 50	43 00	49 50
.....	6	17	100	13 00	86 00	99 00
.....	7	17	100	13 00	86 00	99 00
.....	8	17	100	13 00	86 00	99 00
.....	9	17	100	13 00	86 00	99 00
.....	10	17	100	13 00	86 00	99 00
.....	11	17	100	13 00	86 00	99 00
.....	12	17	100	12 74	84 28	97 02
N. $\frac{3}{4}$ .....	13	17	75	91	6 02	6 93
S. $\frac{1}{4}$ .....	13	17	25	1 30	8 66	9 90

Total assessment on lands.....\$4,407 48

Assessment on roads :

One half town line between Elma and Grey.	\$2 86	\$18 92	\$21 78
Road between 13th and 14th cons.....	4 16	27 52	31 68
Road between 15th and 16th cons.....	5 46	36 12	41 58
Road between 17th and 18th cons.....	6 50	43 00	49 50
Road between lots 5 and 6.....	5 72	37 84	43 56
Road between lots 10 and 11.....	2 66	18 92	21 78

Total assessment in Elma.....\$4,617 36

ASSESSMENT TOWNSHIP OF MCKILLOP.

Description.	Lot.	Con.	No. of Acres.	Amount assessed for outlet.
N. $\frac{1}{2}$ , E. $\frac{1}{2}$ .....	1	14	50	\$ 33 00
S. $\frac{1}{2}$ and W. $\frac{1}{2}$ , N. $\frac{1}{2}$ .....	1	14	136	89 76
.....	2	14	185	122 10
.....	3	14	184	121 44
.....	4	14	182	120 12
.....	5	14	181	119 46
.....	6	14	180	118 80
N. $\frac{1}{2}$ .....	7	14	89 $\frac{1}{2}$	59 07
E. of S. $\frac{1}{2}$ .....	7	14	44 $\frac{1}{2}$	29 53
W. $\frac{1}{2}$ of S. $\frac{1}{2}$ .....	7	14	44 $\frac{1}{2}$	29 53
N. $\frac{1}{2}$ .....	8	14	89	49 84
S. $\frac{1}{2}$ .....	8	14	89	49 84
N. $\frac{1}{2}$ .....	9	14	88 $\frac{1}{2}$	47 79
S. $\frac{1}{2}$ .....	9	14	88 $\frac{1}{2}$	31 32
N. E. pt. ....	10	14	37 $\frac{1}{2}$	18 75
N. pt. ....	10	14	50	25 00
S. $\frac{1}{2}$ .....	10	14	88	18 00
N. $\frac{1}{2}$ .....	11	14	87	36 50
N. $\frac{1}{2}$ .....	11	14	43 $\frac{1}{2}$	5 50
E. N. $\frac{1}{2}$ .....	12	14	43 $\frac{1}{2}$	11 00
W. N. $\frac{1}{2}$ .....	12	14	43 $\frac{1}{2}$	10 00
E. N. $\frac{1}{2}$ .....	13	14	44	6 50
W. N. $\frac{1}{2}$ .....	13	14	43	1 00
N. $\frac{1}{2}$ .....	14	14	85	8 00
N. pt. ....	15	14	50	1 00

Description



Description	Lot.	Con.	No. of Acres.	Amount assessed for outlet.
.....	1	13	150	\$99 00
E $\frac{1}{2}$ .....	2	13	75	49 50
W $\frac{1}{2}$ .....	2	13	75	49 50
N $\frac{1}{2}$ .....	3	13	75	49 50
Pt. E $\frac{1}{2}$ S $\frac{1}{2}$ .....	3	13	25	16 50
Pt. W $\frac{1}{2}$ S $\frac{1}{2}$ .....	3	13	50	31 68
E $\frac{1}{2}$ .....	4	13	50	29 04
W $\frac{1}{2}$ .....	4	13	100	57 42
S $\frac{1}{2}$ .....	5	13	112 $\frac{1}{2}$	45 21
N $\frac{1}{2}$ .....	5	13	37 $\frac{1}{2}$	24 75
S $\frac{1}{2}$ .....	6	13	100	5 28
N $\frac{1}{2}$ .....	6	13	50	31 68
N $\frac{1}{2}$ .....	7	13	50	26 40
N $\frac{1}{2}$ .....	8	13	50	26 40
N $\frac{1}{2}$ .....	9	13	50	1 98
E $\frac{1}{2}$ .....	1	12	25	13 20
W $\frac{1}{2}$ E $\frac{1}{2}$ .....	1	12	25	13 20
E $\frac{1}{2}$ W $\frac{1}{2}$ .....	1	12	25	13 20
W $\frac{1}{2}$ .....	1	12	25	13 20
.....	2	12	100	52 80
E $\frac{1}{2}$ .....	3	12	50	26 40
W $\frac{1}{2}$ .....	3	12	50	6 60

Total assessment on lands ..... \$1,845 29

One-half assessment on town line between Grey and McKillop.....\$ 18 50

Road between 13th and 14th cons..... 21 12

Road between 12th and 13th cons..... 3 30

Road between lots 10 and 11..... 9 24

Road between lots 5 and 6..... 17 16

Total..... \$1,914 61

#### ASSESSMENT TOWNSHIP OF GREY.

Description.	Lot.	Con.	No. of Acres.	Amt. assessed for outlet.	Total assessment.
.....	19	11	100	\$ 1 82	\$ 1 82
.....	20	11	98 $\frac{1}{2}$	3 36	3 36
S. E. pt.....	20	11	1 $\frac{1}{2}$	21	21
.....	21	11	100	5 60	5 60
W $\frac{1}{2}$ .....	22	11	50	3 50	3 50
E $\frac{1}{2}$ .....	22	11	50	3 50	3 50
W $\frac{1}{2}$ .....	23	11	50	3 50	3 50
E $\frac{1}{2}$ .....	23	11	50	3 50	3 50
.....	24	11	100	84	84
W $\frac{1}{2}$ .....	17	12	50	1 68	1 68
E $\frac{1}{2}$ .....	17	12	50	4 90	4 90
.....	18	12	100	13 72	13 72
N W pt.....	19	12	1	14	14
W pt.....	19	12	49	6 86	6 86
E $\frac{1}{2}$ .....	19	12	50	7 00	7 00
.....	20	12	100	14 00	14 00
S $\frac{1}{2}$ .....	21	12	50	7 00	7 00
N $\frac{1}{2}$ .....	21	12	50	7 00	7 00
.....	22	12	100	14 00	14 00
W $\frac{1}{2}$ .....	23	12	50	7 00	7 00
E $\frac{1}{2}$ .....	23	12	50	7 00	7 00
.....	24	12	100	13 44	13 44
.....	25	12	100	9 24	9 24
.....	26	12	100	3 50	3 50

Description

Description.	Lot.	Con.	No. of Acres.	Amt ass'd benefit.	For Amt. ass'd for outlet.	Total assessment.
.....	5	13	100	.....	\$ 0 21	\$ 0 21
.....	6	13	100	\$15 00	8 00	23 00
S $\frac{1}{2}$ .....	7	12	50	.....	6 00	6 00
N $\frac{1}{2}$ .....	7	13	50	10 00	5 00	15 00
N $\frac{1}{2}$ .....	8	13	50	10 00	2 50	12 50
S $\frac{1}{2}$ .....	8	13	50	5 00	5 00	10 00
.....	9	13	97	10 00	6 00	16 00
.....	10	13	100	.....	6 72	6 72
.....	11	13	100	.....	7 84	7 84
.....	12	13	100	.....	8 12	8 12
.....	13	13	100	.....	7 56	7 56
E $\frac{1}{2}$ .....	14	13	50	.....	2 80	2 80
W $\frac{1}{2}$ .....	14	13	50	.....	2 38	2 38
.....	15	13	100	.....	5 32	5 32
.....	16	13	100	.....	8 40	8 40
.....	17	13	100	.....	14 00	14 00
.....	18	13	100	.....	14 00	14 00
.....	19	13	100	.....	14 00	14 00
.....	20	13	100	.....	14 00	14 00
S $\frac{1}{2}$ .....	21	13	50	.....	7 00	7 00
N $\frac{1}{2}$ .....	21	13	50	.....	7 00	7 00
W pt.....	22	13	25	.....	3 50	3 50
E pt.....	22	13	75	.....	10 50	10 50
.....	23	13	100	.....	14 00	14 00
.....	24	13	100	.....	14 00	14 00
.....	25	13	100	.....	14 00	14 00
.....	26	13	100	.....	14 00	14 00
.....	27	13	100	.....	13 16	13 16
W pt.....	28	13	19	.....	2 38	2 38
E pt.....	28	13	81	.....	10 22	10 22
.....	29	13	100	.....	13 16	13 16
.....	30	13	100	.....	10 64	10 64
.....	31	13	100	.....	10 64	10 64
.....	32	13	100	.....	10 64	10 64
.....	33	13	100	.....	10 50	10 50
.....	34	13	100	.....	10 22	10 22
.....	35	13	100	.....	8 54	8 54
N $\frac{1}{2}$ .....	1	14	50	.....	2 10	2 10
S $\frac{1}{2}$ .....	1	14	50	.....	3 50	3 50
.....	2	14	100	.....	6 02	6 02
.....	3	14	100	.....	6 30	6 30
.....	4	14	100	.....	6 02	6 02
.....	5	14	100	.....	5 95	5 95
N W pt.....	6	14	45	45 00	3 15	48 15
N E pt.....	6	14	20	20 00	1 40	21 40
S pt.....	6	14	35	.....	3 15	3 15
.....	7	14	100	12 00	10 00	22 00
.....	8	14	100	15 00	11 00	26 00
.....	9	14	100	40 00	13 00	53 00
.....	10	14	100	50 00	15 00	65 00
.....	11	14	100	.....	16 00	16 00
.....	12	14	100	.....	15 00	15 00
.....	13	14	100	.....	15 00	15 00
S $\frac{1}{2}$ .....	14	14	50	.....	7 00	7 00
N $\frac{1}{2}$ .....	14	14	50	.....	7 00	7 00
.....	15	14	100	.....	14 00	14 00
.....	16	14	100	.....	14 00	14 00
.....	17	14	100	.....	16 85	16 85
W $\frac{1}{2}$ .....	18	14	50	.....	9 20	9 20
E $\frac{1}{2}$ .....	18	14	50	.....	9 20	9 20
.....	19	14	100	.....	19 72	19 72
.....	20	14	100	.....	23 00	23 00

Description

Description.	Lot.	Con.	No. of Acres.	Amount assessed for benefit.	Amount assessed for outlet.	Amount assessed for original construction of drain No. 2.	Total assessment.
.....	21	14	100	.....	\$22 40	.....	\$22 40
.....	22	14	100	.....	26 60	.....	26 60
.....	23	14	100	.....	29 68	2 1 96	31 64
.....	24	14	100	.....	18 64	56	19 20
.....	25	14	100	.....	28 50	1 75	30 25
.....	26	14	100	.....	43 00	3 50	46 50
.....	27	14	100	.....	40 68	3 22	43 90
.....	28	14	100	.....	43 00	3 50	46 50
.....	29	14	100	.....	45 90	7 15	53 05
.....	30	14	100	.....	37 04	4 16	41 20
.....	31	14	100	.....	31 28	3 12	34 40
.....	32	14	100	.....	42 08	5 07	47 15
.....	33	14	100	.....	49 06	5 24	54 30
.....	34	14	100	.....	57 92	7 93	65 85
.....	35	14	100	.....	70 88	10 27	81 15
.....	1	15	100	.....	4 55	.....	4 55
.....	2	15	100	.....	5 18	.....	5 18
.....	3	15	100	.....	6 02	.....	6 02
.....	4	15	100	.....	5 11	.....	5 11
.....	5	15	100	.....	6 51	.....	6 51
.....	6	15	100	.....	7 90	.....	7 90
.....	7	15	100	.....	13 00	.....	13 00
.....	8	15	100	.....	18 00	.....	18 00
.....	9	15	100	.....	19 00	.....	19 00
.....	10	15	100	\$18 00	22 00	.....	40 00
.....	11	15	100	55 00	22 00	.....	77 00
.....	12	15	100	.....	22 00	.....	22 00
.....	13	15	100	.....	22 00	.....	22 00
.....	14	15	100	.....	28 00	.....	28 00
S E pt .....	15	15	5	.....	1 80	.....	1 80
.....	15	15	95	.....	34 20	.....	34 20
N $\frac{1}{2}$ .....	16	15	50	.....	18 00	.....	18 00
S $\frac{1}{2}$ .....	16	15	50	.....	18 00	.....	18 00
.....	17	15	100	.....	36 00	.....	36 00
W $\frac{1}{2}$ .....	18	15	50	.....	18 00	.....	18 00
E $\frac{1}{2}$ .....	18	15	50	.....	18 00	.....	18 00
.....	19	15	99	.....	35 64	.....	35 64
Pt S pt .....	19	15	1	.....	36	.....	36
.....	20	15	100	.....	56 00	.....	56 00
.....	21	15	100	.....	56 00	.....	56 00
.....	22	15	100	.....	56 00	.....	56 00
W $\frac{1}{2}$ .....	23	15	50	.....	34 00	3 50	37 50
E $\frac{1}{2}$ .....	23	15	50	.....	36 00	3 50	39 50
W $\frac{1}{2}$ .....	24	15	50	.....	36 00	3 50	39 50
E $\frac{1}{2}$ .....	24	15	50	.....	36 00	3 50	39 50
.....	25	15	100	.....	72 00	7 00	79 00
.....	26	15	100	.....	72 00	7 00	79 00
.....	27	15	100	.....	72 00	7 00	79 00
.....	28	15	100	.....	72 00	7 00	79 00
.....	29	15	100	.....	75 00	13 00	88 00

Description

Description.	Lot.	Con.	No. of Acres.	Amount assessed for outlet.	Amount assessed for original construction of drain No. 2.	Total Assessment.
.....	30	15	100	\$36 00	\$13 00	\$99 00
.....	31	15	100	86 00	13 00	99 00
.....	32	15	100	86 00	13 00	99 00
W. $\frac{1}{2}$ .....	33	15	50	43 00	6 50	49 50
E. $\frac{1}{2}$ .....	33	15	50	43 00	6 50	49 50
.....	34	15	100	86 00	13 00	99 00
.....	35	15	100	86 00	13 00	99 00
N. W. pt. ....	6	16	20	2 52	.....	2 52
S. E. pt. ....	6	16	80	3 24	.....	3 24
W. $\frac{1}{2}$ .....	7	16	50	4 50	.....	4 50
E. $\frac{1}{2}$ .....	7	16	50	5 76	.....	5 76
.....	8	16	100	21 25	.....	21 25
.....	9	16	100	25 00	.....	25 00
.....	10	16	100	25 00	.....	25 00

Description.	Lot.	Con.	No. of Acres.	Amount assessed for benefit.	Amount assessed for outlet.	Amount assessed for original construction drain No. 2.	Amount deducted from lot originally assessed for drain 2.	Total assessment.
.....	11	16	100	\$ 8 00	\$27 00	.....	.....	\$35 00
.....	12	16	100	29 00	29 00	.....	.....	58 00
.....	13	16	100	34 00	31 00	.....	.....	65 00
.....	14	16	100	49 00	33 00	.....	.....	82 00
.....	15	16	100	72 00	38 00	.....	.....	110 00
.....	16	16	100	.....	42 00	.....	.....	42 00
.....	17	16	100	.....	42 00	.....	.....	42 00
.....	18	16	100	.....	48 00	.....	.....	48 00
.....	19	16	100	.....	54 00	.....	.....	54 00
.....	20	16	100	.....	56 00	.....	.....	56 00
.....	21	16	100	.....	56 00	.....	.....	56 00
.....	22	16	100	.....	66 00	.....	.....	66 00
.....	23	16	100	.....	72 00	7 00	35 60	43 40
.....	24	16	100	.....	72 00	7 00	.....	79 00
.....	25	16	100	.....	72 00	7 00	.....	79 00
Pt. N. pt. ....	26	16	1 $\frac{1}{2}$	.....	1 14	20	.....	1 34
.....	26	16	97 $\frac{1}{2}$	.....	74 86	12 80	.....	87 66
.....	27	16	100	.....	86 00	13 00	.....	99 00
.....	28	16	100	.....	86 00	13 00	.....	99 00
.....	29	16	100	.....	86 00	13 00	.....	99 00
.....	30	16	100	.....	86 00	13 00	.....	99 00
W. $\frac{1}{2}$ .....	31	16	50	.....	43 00	6 50	.....	49 50
E. $\frac{1}{2}$ .....	31	16	50	.....	43 00	6 50	.....	49 50
.....	32	16	100	.....	86 00	13 00	.....	99 00
.....	33	16	100	.....	86 00	13 00	.....	99 00
.....	34	16	100	.....	86 00	13 00	.....	99 00
.....	35	16	100	.....	86 00	13 00	.....	99 00
.....	9	17	100	.....	1 50	.....	.....	1 50
W. $\frac{1}{2}$ .....	10	17	50	.....	6 50	.....	.....	6 50
E. $\frac{1}{2}$ .....	10	17	50	.....	2 75	.....	.....	2 75
W. $\frac{1}{2}$ .....	11	17	50	.....	12 05	.....	.....	12 05
E. $\frac{1}{2}$ .....	11	17	50	.....	9 18	.....	.....	9 18



Description.	Lot	No. of Con. acres.	Amount assessed for benefit.	Amount assessed for outlet.	Amount assessed for original con- struction drain No. 2.	Amount deduct- ed from lot or- iginally assessed for drain 2.	Total assess- ment.
E. $\frac{1}{2}$ .....	12	17	50	\$18 00			\$18 00
W. $\frac{1}{2}$ .....	12	17	50	16 00			16 00
E. $\frac{1}{2}$ .....	13	17	50	18 00			18 00
N. W. pt....	13	17	25	9 50			9 50
S. W. pt....	13	17	25	9 50			9 50
E. $\frac{1}{2}$ .....	14	17	50	18 00			18 00
W. $\frac{1}{2}$ .....	14	17	50	18 00			18 00
.....	15	17	100	72 00	44 00		116 00
.....	16	17	100	102 00	46 00		148 00
.....	17	17	100	112 00	48 00		160 00
.....	18	17	100	112 00	53 00		165 00
.....	19	17	100	112 00	58 00		170 00
.....	20	17		112 00	60 00		182 00
.....	21	17	100	112 00	64 00	3 00	129 56
.....	22	17	100	72 00	70 00	5 00	51 99
.....	23	17	100	58 00	72 00	7 00	37 63
.....	24	17	100	58 00	73 00	8 00	39 63
.....	25	17	100	58 00	74 00	9 00	41 63
.....	26	17	100	58 00	75 00	13 00	46 63
.....	27	17	100	58 00	100 00	13 00	91 50
.....	28	17	100	53 00	131 00	13 00	167 92
.....	29	17	100	19 00	151 00	13 00	183 00
.....	30	17	100		151 00	13 00	164 00
.....	31	17	100		86 00	13 00	99 00
.....	32	17	100		86 00	13 00	99 00
.....	33	17	100		86 00	13 00	99 00
.....	34	17	100		86 00	13 00	99 00
.....	35	17	100		86 00	13 00	99 00
.....	12	18	63		7 56		7 56
.....	13	18	63		16 56		16 56
.....	14	18	63		22 68		22 68
.....	15	18	63		31 50		31 50
.....	16	18	63		31 50		31 50
.....	17	18	63		31 50		31 50
.....	18	18	63		34 02		34 02
.....	19	18	63		35 28		35 28
.....	20	18	63		37 80		37 80
.....	21	18	63	51 00	42 84	1 89	66 65
.....	22	18	63	43 00	44 10	3 15	10 75
.....	23	18	63	40 00	45 36	4 41	2 52
.....	24	18	63	40 00	47 25	5 04	5 04
.....	25	18	63	40 00	47 88	5 77	6 40
.....	26	18	63	40 00	48 51	8 19	9 45
.....	27	18	63	40 00	79 38	8 19	64 97
.....	28	18	63	40 00	110 88	8 19	139 68
.....	29	18	63	13 00	136 08	8 19	157 27
.....	30	18	63		71 28	4 29	75 57
.....	31	18	63		26 66	4 03	30 69
.....	32	18	63		21 50	3 25	24 75

Total assessment on lands..... \$8,722 28

## ASSESSMENT ON ROADS :

Road between Con's 11 & 12.....	\$ 3 36		\$ 3 36
“ “ Con's 13 & 14.....	17 08		17 08
“ “ Con's 15 & 16.....	65 00	\$ 6 00	71 00
17 and 18 Concessions.....	\$374 00	61 00 32 00	467 00
Road between lots 5 and 6.....	56		56
“ “ lots 10 and 11.....	14 40		14 40
15 and 16 Concessions.....	50 00	20 00	70 00
Road between lots 20 and 21.....	150 00	30 00	180 00
“ “ lots 25 and 26.....	35 04	5 46	40 50
“ “ lots 30 and 31.....	45 80	5 20	51 00
One-half on Town line be- tween Elma and Grey.....	19 82	2 86	22 68
One-half on Town line be- tween McKillop and Grey.....	18 50		18 50
Total assessment in Grey.....			\$9,678 36

## RECAPITULATION.

Assessment on lands, Township of Elma.....	\$4,407 48
“ “ roads, “ Elma.....	209 88
“ “ lands, “ McKillop.....	1,845 29
“ “ roads, “ McKillop.....	69 32
“ “ lands, “ Grey.....	8,722 28
“ “ roads, “ Grey.....	956 08

Total assessment ..... \$16,210 33

When the proposed improvement to No. 2 Government drain and outlet is fully made and completed, it is to be maintained, preserved and kept in repair by the municipality of the township of Grey by assessments on the lands and roads benefited and using the said improvement as an outlet, and in the same relative proportion to the assessments as shown above, with the exception that the lots shown to be assessed for the original construction of No. 2 government drain are not to have any deduction as shown on the above assessment.

The township of Grey to pay  $\frac{19793422}{1743819}$  of said maintenance. The township of Elma to pay  $\frac{461736}{1743819}$  of said maintenance and the township of McKillop to pay  $\frac{121439}{1743819}$  of said maintenance. All of which is respectfully submitted

I have the honor to be, Gentlemen,

Your obedient servant,

JAMES A. BELL, C. E.

AND WHEREAS the said council are of the opinion that the making of a proper outlet for, and otherwise improving and extending Government drain No. 2 as described, is desirable.

Be it, therefore, enacted by the said municipal council of the said township of Grey ;

1. That the Reeve of the said township be adopted, and the said improvement to the said Government drain No. 2 and outlet, and the works connected therewith, be made and constructed in accordance therewith.

2. That the Reeve of the said township may borrow on the credit of the corporation of the said township of Grey the sum of nine thousand six hundred and seventy-eight dollars and thirty-six cents (\$9,678.36), being the municipality's share of the funds necessary for the work, and

may

may issue debentures of the corporation to that amount in sums of not less than \$100 each, and payable within twenty years from the date thereof, with interest at the rate of four per centum per annum, that is to say, in twenty annual payments of interest and principal combined, such debentures to be payable at the Provincial Treasury Department, Toronto, and to have attached to them coupons for the payment of interest.

3. That for the purpose of paying the sum of eight thousand seven hundred and twenty-two dollars and twenty-eight cents (\$8,722.28), being the amount charged against the said lands so to be benefited as aforesaid in the said township of Grey, other than lands and roads belonging to the municipality, and to cover interest thereon for twenty years at the rate of four per centum per annum, the following special rates over and above other rates, shall be assessed and levied in the same manner and at the same time as taxes are levied upon the undermentioned lots and parts of lots and the amount of the said special rates and interest assessed as aforesaid against each lot or part of lot respectively, shall be divided into twenty equal parts, and one such part shall be assessed and levied as aforesaid in each year for twenty years after the final passing of this by-law, during which the said debentures have to run ;—

Municipality.	Con.	Lot or p't lot.	No. of acres.	Value of improvement.	To cover int. for 20 years at 4%.	Total spl rate.	Annual assets during each year for 20 years.
Grey	11	19	100	\$1 82	\$0 86	\$2 68	\$0 13
"	11	20	98 $\frac{1}{2}$	3 36	1 59	4 95	25
"	11	20 S.E. pt.	1 $\frac{1}{2}$	21	10	31	02
"	11	21	100	5 60	2 64	8 24	41
"	11	22 W. $\frac{1}{2}$	50	3 50	1 65	5 15	26
"	11	22 E. $\frac{1}{2}$	50	3 50	1 65	5 15	26
"	11	23 W. $\frac{1}{2}$	50	3 50	1 65	5 15	26
"	11	23 E. $\frac{1}{2}$	50	3 50	1 65	5 15	26
"	11	24	100	84	40	1 24	06
"	12	17 W. $\frac{1}{2}$	50	1 68	79	2 47	12
"	12	17 E. $\frac{1}{2}$	50	4 90	2 31	7 21	36
"	12	18	100	13 72	6 48	20 20	1 01
"	12	9 N.W. pt.	1	14	06	20	01
"	12	19 N. pt.	49	6 86	3 24	10 10	50
"	12	19 E. $\frac{1}{2}$	50	7 00	3 30	10 30	52
"	12	20	100	14 00	6 61	20 61	1 03
"	12	21 S. $\frac{1}{2}$	50	7 00	3 30	10 30	52
"	12	21 N. $\frac{1}{2}$	50	7 00	3 30	10 30	52
"	12	22	100	14 00	6 61	20 61	1 03
"	12	23 W. $\frac{1}{2}$	50	7 00	2 30	10 30	52
"	12	23 E. $\frac{1}{2}$	50	7 00	3 30	10 30	52
"	12	24	100	13 44	6 35	19 79	99
"	12	25	100	9 24	4 36	13 60	68
"	12	26	100	3 50	1 65	5 15	26
"	13	5	100	21	10	31	02
"	13	6	100	23 00	10 86	33 86	1 69
"	13	7 S. $\frac{1}{2}$	50	6 00	2 83	8 83	44
"	13	7 N. $\frac{1}{2}$	50	15 00	7 08	22 08	1 10
"	13	8 N. $\frac{1}{2}$	50	12 50	5 90	18 40	92
"	13	8 S. $\frac{1}{2}$	50	10 00	4 72	14 72	74
"	13	9	97	16 00	7 55	23 55	1 18
"	13	10	100	6 72	3 17	9 89	49
"	13	11	100	7 84	3 70	11 54	58
"	13	12	100	8 12	3 83	11 95	60
"	13	13	100	7 56	3 59	11 15	56

Municipality

Municipality.	Con.	Lot or pt lot.	No. of acres.	Value of improve- ment.	To cover int. for 20 years at 4 %.	Total sp'l rate.	Annual asses't dur- ing each year for 20 years.
Grey	13	14 E. $\frac{1}{2}$ .....	50	\$2 80	\$1 32	\$4 12	21
"	13	14 W. $\frac{1}{2}$ .....	50	2 38	1 12	3 05	18
"	13	15 .....	100	5 32	2 51	7 83	39
"	13	16 .....	100	8 40	3 96	12 36	62
"	13	17 .....	100	14 00	6 61	20 61	1 03
"	13	18 .....	100	14 00	6 61	20 61	1 03
"	13	19 .....	100	14 00	6 61	20 61	1 03
"	13	20 .....	100	14 00	6 61	20 61	1 03
"	13	21 S. $\frac{1}{2}$ .....	50	7 00	3 30	10 30	52
"	13	21 N. $\frac{1}{2}$ .....	50	7 00	3 30	10 30	52
"	13	22 W. pt. ....	25	3 50	1 65	5 15	26
"	13	22 E. pt. ....	75	10 50	4 96	15 46	77
"	13	23 .....	100	14 00	6 61	20 61	1 03
"	13	24 .....	100	14 00	6 61	20 61	1 03
"	13	25 .....	100	14 00	6 61	20 61	1 03
"	13	26 .....	100	14 00	6 61	20 61	1 03
"	13	27 .....	100	13 16	6 21	19 37	97
"	13	28 W. pt. ....	19	2 38	1 12	3 50	18
"	13	28 E pt. ....	81	10 22	4 82	15 04	75
"	13	29 .....	100	13 15	6 21	19 37	97
"	13	30 .....	100	10 64	5 02	15 66	78
"	13	31 .....	100	10 64	5 02	15 66	78
"	13	32 .....	100	10 64	5 02	15 66	78
"	13	33 .....	100	10 50	4 96	15 46	77
"	13	34 .....	100	10 22	4 82	15 04	75
"	13	35 .....	100	8 54	4 03	12 57	63
"	14	1 N. $\frac{1}{3}$ .....	50	2 10	99	3 09	15
"	14	1 S. $\frac{1}{2}$ .....	50	3 50	1 65	5 15	26
"	14	2 .....	100	6 02	2 84	8 86	44
"	14	3 .....	100	6 30	2 97	9 27	46
"	14	4 .....	100	6 02	2 84	8 86	44
"	14	5 .....	100	5 95	2 81	8 76	44
"	14	6 N.W. pt. ....	45	48 15	22 72	70 87	3 54
"	14	6 N.E. pt. ....	20	21 40	10 10	31 50	1 57
"	14	6 S. pt. ....	35	3 15	1 49	4 64	23
"	14	7 .....	100	22 00	10 38	32 38	1 62
"	14	8 .....	100	26 00	12 27	38 27	1 91
"	14	9 .....	100	53 00	25 02	78 02	3 90
"	14	10 .....	100	65 00	30 68	95 68	4 78
"	14	11 .....	100	16 00	7 55	23 55	1 18
"	14	12 .....	100	15 00	7 08	22 08	1 10
"	14	13 .....	100	15 00	7 08	22 08	1 10
"	14	14 S. $\frac{1}{2}$ .....	50	7 00	3 30	10 30	52
"	14	14 N. $\frac{1}{2}$ .....	50	7 00	3 30	10 30	52
"	14	15 .....	100	14 00	6 61	20 61	1 03
"	14	16 .....	100	14 00	6 61	20 61	1 03
"	14	17 .....	100	16 85	7 91	24 80	1 24
"	14	18 W. $\frac{1}{2}$ .....	50	9 20	4 34	13 54	68
"	14	18 E. $\frac{1}{2}$ .....	50	9 20	4 34	13 54	68
"	14	19 .....	100	19 72	9 30	29 02	1 45
"	14	20 .....	100	23 00	10 86	33 86	1 69
"	14	21 .....	100	22 40	10 57	32 97	1 65
"	14	22 .....	100	26 60	12 53	39 13	1 96
"	14	23 .....	100	31 64	14 93	46 57	2 33
"	14	24 .....	100	19 20	9 06	28 26	1 41



Municipality.	Con.	Lot or p't lot.	No. of acres.	Value of improve- ment.	To cover int. for 20 years at 4 %.	Total sp'l rate.	Annual asses't dur- ing each year for 20 years.
Grey	14	25	100	\$30 25	\$14 28	\$44 53	\$ 2 23
"	14	26	100	46 50	21 95	68 45	3 42
"	14	27	100	43 90	20 72	64 62	3 23
"	14	28	100	46 50	21 95	68 45	3 42
"	14	29	100	53 05	25 04	78 09	3 90
"	14	30	100	41 20	19 45	60 65	3 03
"	14	31	100	34 40	16 24	50 64	2 57
"	14	32	100	47 15	22 25	69 40	3 40
"	14	33	100	54 30	25 64	79 94	4 05
"	14	34	100	65 85	31 08	96 93	4 83
"	14	35	100	81 15	38 30	119 45	5 97
"	15	1	100	4 55	2 15	6 70	33
"	15	2	100	5 18	2 44	7 62	38
"	15	3	100	6 02	2 84	8 86	44
"	15	4	100	5 11	2 41	7 52	38
"	15	5	100	6 51	3 07	9 58	48
"	15	6	100	7 90	3 74	11 64	58
"	15	7	100	13 00	6 14	19 14	96
"	15	8	100	18 00	8 50	26 50	1 32
"	15	9	100	19 00	8 96	27 96	1 40
"	15	10	100	40 00	18 88	58 88	2 94
"	15	11	100	77 00	36 34	113 34	5 67
"	15	12	100	22 00	10 38	32 38	1 62
"	15	13	100	22 00	10 38	32 38	1 62
"	15	14	100	28 00	13 21	41 21	2 06
"	15	15 S. E. pt.	5	1 80	85	2 65	13
"	15	15	95	34 20	16 14	50 34	2 52
"	15	16 N. $\frac{1}{2}$	50	18 00	8 50	26 50	1 32
"	15	16 S. $\frac{1}{2}$	50	18 00	8 50	26 50	1 32
"	15	17	100	36 00	16 99	52 99	2 65
"	15	18 W. $\frac{1}{2}$	50	18 00	8 50	26 50	1 32
"	15	18 E. $\frac{1}{2}$	50	18 00	8 50	26 50	1 32
"	15	19	99	35 64	16 82	52 46	2 62
"	15	19 pt. S. pt.	1	36	17	53	3
"	15	20	100	56 00	26 43	82 43	4 12
"	15	21	100	56 00	26 43	82 43	4 12
"	15	22	100	56 00	26 43	82 43	4 12
"	15	23 W. $\frac{1}{2}$	50	37 50	17 70	55 20	2 76
"	15	23 E. $\frac{1}{2}$	50	39 50	18 64	58 14	2 91
"	15	24 W. $\frac{1}{2}$	50	39 50	18 64	58 14	2 91
"	16	24 E. $\frac{1}{2}$	50	39 50	18 64	58 14	2 91
"	15	25	100	79 00	37 29	116 29	5 81
"	15	26	100	79 00	37 29	116 29	5 81
"	15	27	100	79 00	37 29	116 29	5 81
"	15	28	100	79 00	37 29	116 29	5 81
"	15	29	100	88 00	41 54	129 54	6 48
"	15	30	100	99 00	46 73	145 73	7 29
"	15	31	100	99 00	46 73	145 73	7 29
"	15	32	100	99 00	46 73	145 73	7 29
"	15	33 W. $\frac{1}{2}$	50	49 50	23 36	72 86	3 64
"	15	33 E. $\frac{1}{2}$	50	49 50	23 36	72 86	3 64
"	15	34	100	99 00	46 73	145 73	7 29
"	15	35	100	99 00	46 73	145 73	7 29
"	16	6 N.W. pt.	20	2 52	1 19	3 71	19
"	16	6 S.E. pt.	80	3 24	1 53	4 77	24

Municipality.	Con.	Lot or p't lot.	No. of acres.	Value of improve- ment.	To cover int. for 20 years at 4 %.	Total sp'l rate.	Annual assess't dur 20 years.
Grey	16	7 W. $\frac{1}{2}$	50	\$4 50	\$2 12	\$6 62	3 33
"	16	7 E. $\frac{1}{2}$	50	5 76	2 72	8 48	4 42
"	16	8	100	21 25	10 03	31 28	1 56
"	16	9	100	25 00	11 80	36 80	1 84
"	16	10	100	25 00	11 00	36 20	1 84
"	16	11	100	35 00	16 52	51 82	2 58
"	16	12	100	58 00	27 38	85 38	4 27
"	16	13	100	65 00	30 68	95 68	4 78
"	16	14	100	82 00	38 70	120 70	6 04
"	16	15	100	110 00	51 92	161 92	8 10
"	16	16	100	42 00	19 82	61 82	3 09
"	16	17	100	42 00	19 82	61 82	3 09
"	16	18	100	48 00	22 62	70 66	3 53
"	16	19	100	54 00	25 49	79 49	3 97
"	16	20	100	56 00	26 44	82 42	4 12
"	16	21	100	56 00	26 43	83 42	4 12
"	16	22	100	66 00	31 15	97 15	4 86
"	16	23	100	43 40	20 48	63 88	3 19
"	16	24	100	79 00	37 29	116 29	5 81
"	16	25	100	79 00	37 29	116 29	5 81
"	16	26 pt. N. pt	101 $\frac{1}{2}$	1 34	63	1 97	10
"	16	26	97 $\frac{1}{2}$	87 66	41 38	129 04	6 45
"	16	27	100	99 00	26 73	145 73	7 29
"	16	28	100	99 00	46 73	145 73	7 29
"	16	29	100	99 00	46 73	145 73	7 29
"	16	30	100	99 00	46 73	145 73	7 29
"	16	31 W. $\frac{1}{2}$	50	49 50	23 36	72 86	3 64
"	16	31 E. $\frac{1}{2}$	50	49 50	23 36	72 86	3 64
"	16	32	100	99 00	46 73	145 73	7 29
"	16	33	100	99 00	46 73	145 73	7 29
"	16	34	100	99 00	46 73	145 73	7 29
"	16	35	100	99 00	46 73	145 73	7 29
"	17	9	100	1 50	71	2 21	11
"	17	10 W. $\frac{1}{2}$	50	6 50	3 06	9 57	48
"	17	10 E. $\frac{1}{2}$	50	2 75	1 30	4 05	20
"	17	11 W. $\frac{1}{2}$	50	12 05	5 69	17 74	89
"	17	11 E. $\frac{1}{2}$	50	9 18	4 33	13 51	68
"	17	12 E. $\frac{1}{2}$	50	18 00	8 50	26 50	1 32
"	17	12 W. $\frac{1}{2}$	50	16 00	7 55	23 55	1 18
"	17	13 E. $\frac{1}{2}$	50	18 00	8 50	26 50	1 32
"	17	13 N. W. pt.	25	9 50	4 48	13 98	70
"	17	13 S. W. pt.	25	9 50	4 48	13 98	70
"	17	14 E. $\frac{1}{2}$	50	18 00	8 50	26 50	1 32
"	17	14 W. $\frac{1}{2}$	50	18 00	8 50	26 50	1 32
"	17	15	100	116 00	54 75	170 75	8 54
"	17	16	100	148 00	69 86	217 86	10 89
"	17	17	100	160 00	75 52	235 52	11 78
"	17	18	100	165 00	77 88	242 88	12 14
"	17	19	100	170 00	80 24	250 24	12 51
"	17	20	100	182 00	85 90	267 90	13 40
"	17	21	100	129 56	61 15	190 71	9 54
"	17	22	100	51 99	24 54	76 53	3 83
"	17	23	100	37 63	17 76	55 39	2 77
"	17	24	100	39 63	18 71	58 34	2 92
"	17	25	100	41 63	19 65	61 28	3 06

Municipality.	Con.	Lot or p't lot.	No. of acres.	Value of improvement.	To cover int. for 20 years at 4%.	Total sp't rate.	Annual assess't due each year for 20 years.
Grey	17	26	100	\$46 63	\$22 00	\$68 63	\$3 43
"	17	27	100	91 50	43 19	134 69	6 73
"	17	28	100	167 92	79 26	247 18	12 36
"	17	29	100	183 00	86 38	269 38	13 47
"	17	30	100	164 00	77 41	241 41	12 07
"	17	31	100	99 00	46 73	145 73	7 29
"	17	32	100	99 00	46 73	145 73	7 29
"	17	33	100	99 00	46 73	145 73	7 29
"	17	34	100	99 00	46 73	145 73	7 29
"	17	35	100	99 00	46 73	145 73	7 29
"	18	12	63	7 56	3 57	11 13	56
"	18	13	63	16 56	7 82	24 38	1 22
"	18	14	63	22 68	10 70	33 38	1 67
"	18	15	63	31 50	14 87	46 37	2 32
"	18	16	63	31 50	14 87	46 37	2 32
"	18	17	63	31 50	14 87	46 37	2 32
"	18	18	63	34 02	16 06	50 08	2 50
"	18	19	63	35 28	16 65	51 93	2 60
"	18	20	63	37 80	17 84	55 64	2 78
"	18	21	63	66 65	31 46	98 11	4 91
"	18	22	63	10 75	5 07	15 82	79
"	18	23	63	2 52	1 19	3 71	19
"	18	24	63	5 04	2 38	7 42	37
"	18	25	63	6 40	3 02	9 42	47
"	18	26	63	9 45	4 46	13 91	70
"	18	27	63	64 79	30 58	95 37	4 77
"	18	28	63	139 68	65 92	205 60	10 28
"	18	29	63	157 27	74 23	231 50	11 58
"	18	30	63	75 57	35 66	111 23	5 56
"	18	31	63	30 69	14 47	45 18	2 26
"	18	32	63	24 75	11 68	36 43	1 82

4. For the purpose of paying the sum of nine hundred and fifty-six dollars and eight cents (\$956.08) being the total amount assessed as aforesaid against the said roads in the said municipality, and to cover interest thereon for twenty years at the rate of four per cent. per annum, a special rate of .0041 in the dollar, shall, over and above all other rates, be levied in the same manner and at the same time as taxes are levied upon the whole rateable property in the said township of Grey, in each year for the period of twenty years after the date of the final passing of this by-law during which the said debentures have to run.

Finally passed on the 10th day of April, A. D., 1894.

WILLIAM MILNE,  
Reeve.

[Seal]

WILLIAM SPENCE,  
Clerk.

## CHAPTER 43.

## An Act relating to the City Hospital of Hamilton.

*Assented to 17th January, 1898.*

**W**HEREAS the Corporation of the City of Hamilton has by its petition represented that the said Corporation Preamble.  
erected and furnished, at its own expense, a public hospital in said City many years ago, and has since maintained said hospital and erected additional buildings in connection therewith, and on the eighteenth day of May, in the year 1896, the Council of said Corporation passed a by-law, which is set forth in a schedule to this Act, under which by-law a Board of Governors has been appointed, and has assumed the control and management of said City Hospital, and the Council of said City Corporation has by its petition prayed that said by-law may be confirmed and may be declared to be legal and valid, and that the expenditures made by said City Corporation for and in connection with such City Hospital and the maintenance thereof may be ratified, and the said Corporation may be authorized to expend such further sums from time to time as the Council of the said Corporation may deem necessary or proper for extending, furnishing and maintaining said City Hospital, and, whereas, it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The by-law of the Corporation of the City of Hamilton passed on the eighteenth day of May, 1896, and entitled By-law No. 842 respecting the City Hospital, a copy whereof is set forth in Schedule A to this Act, is hereby confirmed and declared to be legal and valid, and such by-law shall continue in force until repealed, altered or amended by Act of the Legislature of the Province of Ontario, or by any by-law or by-laws By-law No. 842 respecting city hospital.



laws which may from time to time be passed by a vote of two-thirds of the whole Council of the Corporation of the City of Hamilton.

Lands, etc.  
vested in city.

2. The lands, buildings and other property acquired by said City Corporation for the purposes of said City Hospital shall continue to be vested in said City Corporation, unless or until the same or any portions thereof shall be sold or otherwise disposed of under the authority of the Council of said City Corporation.

Expenditures  
by city  
legalized.

3. The expenditures made by said City Corporation for and in connection with said City Hospital and the maintenance thereof are hereby ratified, and the City Corporation is also authorized to expend such further sums from time to time as the Council of said Corporation may think proper for extending, furnishing or maintaining said City Hospital.

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## SCHEDULE A.

(Section 1.)

### BY-LAW NO. 842, RESPECTING THE CITY HOSPITAL.

Whereas it is deemed expedient to make a change in the management of the city hospital, and to place it under the control of a board of governors; therefore the council of the corporation of the city of Hamilton enacts as follows:—

1. Sections 1, 2, 3 and 4 of By-law No. 740 respecting the city hospital are hereby repealed so far as they relate to the hospital, such repeal to take effect upon and from the first day of July, 1896.

2. From and after the first day of July, 1896, the city hospital, including the maternity and fever hospitals, shall be placed under the control and management of a board of governors consisting of the mayor and the chairman of the finance committee of the city council and of five other persons, not members of the council, to be appointed by by-law, who shall hold office for one, two, three, four and five years respectively, and in case of the death, resignation or removal of any member of the board, the council shall without delay appoint a successor so as to keep the members of the board of governors up to the full number of seven, and the council shall at their first regular meeting in June of each year after 1896, appoint a member of the board of governors who shall hold office for five years from the 1st July following his appointment in place of the member whose term of office expires on that date, and such retiring member shall be eligible for re-election. The meetings of the board shall be held at the hospital, and at the first meeting of the board, which shall be held at 11a. m. on the second day of July, 1896, the appointed members shall determine by lot their respective terms of office.

3. The board of governors shall meet once a month at least, and as much oftener as they may deem necessary, and shall, at their first meeting in the month of July in each year, appoint a chairman, who shall be their presiding officer and shall hold office until his successor shall be appointed, and in case of his death, resignation or removal or of the ex-

piration

piration of his term of office as a member of the board of governors, the board shall as soon as practicable, appoint a chairman in his stead. At all meetings of the board a majority of the members shall constitute a quorum.

4. An appropriation shall be made annually by the council for the city hospital and the expenditure of such appropriation shall be under the direction and management of the board of governors, subject as hereinafter provided.

5. The board of governors shall submit to the finance committee of the city council on or before the twentieth day of each month, a statement in detail of the expenditure for the city hospital for the preceding month up to that date, together with the accounts therefor, and the finance committee shall examine such statement and accounts, and recommend to the city council the payment of all liabilities properly incurred and passed by the said board, and report to the council the amount thereof.

6. The board of governors shall also have power to appoint and to suspend or remove all officers, nurses and employees of the city hospital, which power shall no longer be exercised by the city council.

7. The board of governors shall also have power to make by-laws or general rules and regulations from time to time with respect to the conduct and management of the city hospital, and the number, titles, terms of office, duties and remuneration of the medical staff, officers, nurses and employees, and their appointment and suspension or removal.

8. All by-laws, general rules and regulations relating to the City Hospital which shall be in force on the first day of July, 1896, shall so continue until repealed or altered by by-laws or general rules or regulations made by the board of governors, and such last mentioned by-laws, rules or regulations shall not come into force until the expiration of one month from the time that a certified copy thereof has been delivered to the city clerk, within which period any of such by-laws, general rules or regulations may be disallowed by a vote of two-thirds of the whole city council, but this power of disallowance shall not apply to any action of the board of governors under the sixth section of this by-law.

9. Nothing herein contained shall authorize the board of governors to repeal or alter any of the provisions of this by-law.

10. A. D. Stewart, John Billings, George Roach, George Rutherford and Alex. H. Moore are hereby appointed members of the board of governors of the City Hospital from the first day of July, 1896, upon and subject to the terms hereinbefore contained.

Passed this 18th day of May, A.D. 1896.

T. BEASLEY,  
City Clerk.

GEO. E. TUCKETT,  
Mayor.

## CHAPTER 44.

## An Act respecting the Village of Huntsville.

*Assented to 17th January, 1898.*

Preamble.

WHEREAS By-law No. 147 of the Village of Huntsville authorizing the extension of the waterworks of the said municipality and to issue debentures therefor to the extent of \$6,000, was passed by the municipal council of the said Village on the 6th day of October, 1897, after having received the approval of His Honor the Lieutenant-Governor in Council, but without having been voted on by the ratepayers of the municipality; and whereas objections have been made to the validity of the said by-law and the debentures issued thereunder; and whereas the Corporation of the said Village have by their petition prayed that an Act may be passed validating and confirming the said by-law and debentures issued thereunder; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law  
147 authoriz-  
ing extension  
of waterworks  
confirmed.

1. By-law No. 147 of the Corporation of the Village of Huntsville, being a by-law to authorize the further extension of the waterworks in said Village and to issue debentures therefor to the extent of \$6,000, set out in Schedule A hereto and all debentures issued or to be issued thereunder are hereby validated and confirmed and shall be binding upon the corporation of the said Village of Huntsville, notwithstanding any insufficiency in form, mode of passing, or otherwise of the said by-law or debentures and notwithstanding any want of authority of the said corporation in respect thereof.

## SCHEDULE A.

## By-LAW No. 147.

A By-law to authorize the further extension of the waterworks in the village of Huntsville, and to issue debentures therefor to the extent of \$6,000.

Whereas the corporation of the village of Huntsville, in the District of Muskoka, on the 24th day of August, A.D. 1896, passed a certain by-law No. 129 under the authority of, and in accordance with sections 504 and 505 of *The Consolidated Municipal Act, 1892*, authorizing the construction of waterworks in the said village, and the issuing of debentures therefor to the extent of \$20,000, which amount was realized by the sale of the said debentures, and a system of waterworks for a part of the said village, constructed and put in operation. And whereas a number of the inhabitants of the said village whose property is not protected by the existing system of waterworks in case of fire, and who are desirous of obtaining a supply of water for domestic use, have requested the council of said corporation of the village of Huntsville to make a further extension of said waterworks for the purpose of such additional fire protection and for such domestic use as aforesaid, and the said council having deemed it advisable and necessary so to do, it is estimated that the expenditure therefor will amount to \$6,000, and that it will be necessary to borrow the further sum of \$6,000 to complete the said extensions of such waterworks, and to issue debentures therefor, making the principal money and interest thereon at the rate of four per cent. per annum, repayable by twenty equal annual instalments as hereinafter set forth. And whereas it has been shown to the satisfaction of the said council that a sufficient additional revenue will be derived from the further extension of the said waterworks as hereinbefore set forth to meet the annual special rate required to pay the total debt and interest created under this by-law. And whereas the whole rateable property of the said village of Huntsville according to the last revised assessment roll thereof, being for the year 1897, is the sum of \$307,324. And whereas it will be necessary to raise each year by special rate during the currency of said debentures the sum of \$441.49 to pay said debt and interest thereon as hereinafter set forth. And whereas, the amount of the existing debenture debt of the said village is the sum of \$30,362.60, and no part of the principal or interest is in arrear. Be it therefore enacted by the municipal council of the corporation of the village of Huntsville :

1. The further extension of the system of waterworks of the said village as hereinbefore set forth is hereby authorized.

2. That the reeve of the said village may borrow, on the credit of the corporation of said village, the sum of \$6,000, and may issue debentures of the said corporation to that amount, to be known as Waterworks Debentures, 2nd issue, in sums of not less than one hundred dollars each, payable by equal annual instalments during the term of twenty years, with interest at the rate of four per cent. per annum, payable annually with coupons for interest attached. Said debentures shall be sealed with the seal of the said corporation, and shall be signed by the reeve and treasurer thereof, and shall be made payable, as shall also the interest coupons, at the office of the Dominion Bank in the city of Toronto.

3. That for the purpose of paying the said debt and interest there shall be levied, in addition to all other rates, a special rate on all the rateable property in said village, sufficient to produce in each year during the said twenty years the sum of \$441.49, which sum shall be divided annually between principal and interest on said debentures during the currency thereof in the manner hereinafter set out, that is to say :



## SCHEDULE.

Waterworks Debentures, 2nd issue, \$6,000 at 4 per cent., 20 years.

No.	Year.	Principal.	Interest.	Total.
1	1898	\$201 49	\$240 00	\$441 49
2	1899	209 56	231 93	441 49
3	1900	217 93	223 56	441 49
4	1901	226 64	214 85	441 49
5	1902	235 72	205 77	441 49
6	1903	245 14	196 35	441 49
7	1904	254 95	186 54	441 49
8	1905	265 15	176 34	441 49
9	1906	275 75	165 74	441 49
10	1907	286 79	154 70	441 49
11	1908	298 26	143 23	441 49
12	1909	310 19	131 30	441 49
13	1910	322 59	118 90	441 49
14	1911	335 50	105 99	441 49
15	1912	348 92	92 57	441 49
16	1913	362 87	78 62	441 49
17	1914	377 38	64 11	441 49
18	1915	392 48	49 01	441 49
19	1916	408 18	33 31	441 49
20	1917	424 51	16 98	441 49

4. That said amounts of principal and interest shall become due and payable yearly on the first day of October, in each and every year during the term of twenty years.

5. This by-law to take effect on, from and after the final passing thereof.

Dated this sixth day of October, 1897.

(Sgd.) WILLIAM RUMSEY,  
Clerk.

(Sgd.) GEO. HUTCHINSON,  
Reeve.

## CHAPTER 45.

## An Act to confirm By-law No. 479 of the Town of Ingersoll.

*Assented to 17th January, 1898.*

WHEREAS the Corporation of the Town of Ingersoll have Preamble.  
by their petition shown that under by-law of the said Corporation numbered 235, passed on the 8th day of April, 1887, in pursuance of the statutes then in force in Ontario, a bonus of \$12,000 was granted to one John Evans, William Evans and William Littler to aid them in erecting and operating a certain manufacturing industry in the said Town of Ingersoll for manufacturing musical instruments, on condition that they should furnish employment for not less than sixty-five men and boys in their said factory for the term of ten years then next ensuing, and that a mortgage was given on the said property to secure the fulfilment of these conditions; and whereas it is further represented that by a certain other by-law of the said Corporation numbered 240 and duly passed on the 11th day of July A. D., 1887, a bonus of \$16,000 was granted to The Hault Manufacturing Company to enable them to erect and operate a factory in the said Town for the manufacture of upholsterers' materials and upholstered goods and furniture on condition that they should furnish employment for from ninety to one hundred men and boys for ten years from the 1st of August, 1887, and that a mortgage was given on the said property to secure the performance of these conditions; and whereas it is further represented that the factory referred to in the first of said bonus by-laws has become vested in the Evans Bros. Piano and Manufacturing Company, Limited, and the factory referred to in the other of said by-laws has become vested in The Ellis Furniture Company subject to the terms of said mortgage, but that it has been found that neither of said industries has kept a sufficient number of men employed to entitle them to a discharge of the said mortgage within

within the said term of ten years; and whereas the Council of the said Corporation have by a by-law of the said Council passed on the 17th day of November, 1897, and numbered 479 enacted that an extension of time for the period of five years from the 17th day of November, 1897, be granted to the Evans Bros. Piano and Manufacturing Company, Limited, and to The Ellis Furniture Company, for fulfilling the terms and conditions of the said mortgages hereinbefore referred to on condition that they respectively employ on an average not less than forty skilled workmen in the case of the former and not less than an average of sixty skilled workmen in the case of the latter of said companies for the term of five years from the 17th day of November, 1897; and whereas it is claimed that doubt exists as to the validity of the said by-law granting such extension and the Corporation have prayed that the said by-law and all acts done by the Corporation thereunder may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.  
479 of Town  
of Ingersoll  
confirmed.

1. The said by-law numbered 479 of the Corporation of the Town of Ingersoll passed on the 17th day of November, 1897, referred to in the preamble to this Act, is hereby confirmed and declared valid and binding on the Corporation from the time of the passing thereof to all intents and purposes and all acts done or to be done by the said Corporation pursuant to the said by-law are declared to be valid and binding on the said Corporation anything in any Act to the contrary notwithstanding.

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## SCHEDULE.

### BY-LAW No. 479.

A by-law of the municipal council of the town of Ingersoll authorizing an extension of time to Evans Bros. Piano and Manufacturing Company Limited, and to the Ellis Furniture Company for carrying out the provisions of by-law 235 of the said town of Ingersoll and the agreement incorporated therewith and also the provisions of by-law No. 240 of the said town of Ingersoll and the agreement incorporated therewith.

Whereas by by-law number 235 of the said town of Ingersoll passed on the 6th day of April A.D. 1887, a bonus was granted for the sum of twelve thousand dollars to one John Evans, one William Evans and one William Littler to enable them to purchase a site and erect a building thereon for the manufacture of pianos.

And

And whereas the said bonus was subsequently thereto granted to the said John Evans, William Evans and William Littler and they erected on a site purchased with the said bonus money of twelve thousand dollars a building for the manufacture of pianos and for the further securing the re-payment to the corporation of the said town of Ingersoll of the said bonus money a mortgage was given by them, the said John Evans, William Evans and William Littler to the municipal corporation of the said town of Ingersoll conditioned for the same becoming void at the expiration of ten years from the date thereof on their proving to the satisfaction of the said corporation that they had in the meantime during each of the said ten years furnished employment and had employed in their factory not less than sixty-five (65) men and boys of which number fifty-five (55) should be skilled workmen and for the further securing of carrying out the conditions on which the said bonus was granted a mortgage was given on the tenth day of September A.D. 1887 by the said John Evans, William Evans and William Littler to the said town of Ingersoll whereby it was agreed that the said corporation should credit on the said mortgage in each year for the next ensuing ten years subsequent to the date thereof at the rate of nineteen dollars per head per man that they should have employed in their piano manufactory during the time aforesaid.

And whereas since the granting of the such bonus to the said John Evans, William Evans and William Littler they have conveyed all their interest in the land and premises covered by the said mortgage and also their interest in the said bonus of twelve thousand dollars to the Evans Bros. Piano and Manufacturing Company Limited to which no objection has been raised by the said corporation.

And whereas the ten years has now expired in which the whole of the bonus money aforesaid should have been earned by the said piano company but the conditions of the said mortgage have not been fulfilled and they are now in default.

And whereas an application has been made by the said company for an extension of time for the carrying out by them of the terms of the said mortgage which the said council has agreed to grant for the time and on the terms hereinafter provided for.

And whereas by a certain other by-law number 240 of the said town of Ingersoll passed on the eleventh day of July A.D. 1887 a bonus for the sum of sixteen thousand dollars, was granted to the Hault Manufacturing Company Limited to enable them to purchase a site and erect a building thereon suitable for the manufacture of upholsterers' materials, upholstered goods and furniture.

And whereas the said bonus was subsequently granted to the said Hault Manufacturing Company Limited and they erected on a site purchased with the said bonus money of sixteen thousand dollars a building for the manufacture of upholsterers' materials, upholstered goods and furniture and for the further securing the re-payment to the corporation of the said town of Ingersoll of the said bonus money a mortgage was given by them the said Hault Manufacturing Company Limited to the municipal corporation of the town of Ingersoll conditioned for the same becoming void at the expiration of ten years from the first day of August A. D. 1887 on their proving to the satisfaction of the said corporation that they had in the meantime during each of the said ten years employed and furnished employment in their factory for not less than from ninety to one hundred men and boys and of which number at least seventy should be skilled men earning the ordinary wages for adults and for the further securing of carrying out the conditions on which the said bonus was granted, a mortgage was given on the thirteenth day of January A. D. 1888 by the said Hault Manufacturing Company Limited to the said town of Ingersoll whereby it was agreed that the said corporation should credit on the said mortgage in each year for the next ensuing ten years subsequent to the first day of August A.D. 1887 at the rate of eighteen dollars per head per man, that they should have employed in their said factory during the time aforesaid.



And whereas since the granting of such bonus to the Hault Manufacturing Company all their estate and interest in the said land and premises covered by the said mortgage and also their interest in the said bonus of sixteen thousand dollars has become vested by various mesne assignments in the Ellis Furniture Company to which no objection has been raised by the said corporation.

And whereas the ten years has now expired in which the whole of the bonus money aforesaid should have been earned by the said Ellis Furniture Company but the conditions of the said mortgage have not been fulfilled by them and they are now in default.

And whereas an application has been made by the last named company for an extension of time for the carrying out by them of the terms of the said mortgage which the said council has agreed to grant for the time and on the terms hereinafter provided for.

Be it therefore enacted by the municipal council of the town of Ingersoll that an extension of time for the period of five years from the date hereof be granted to the Evans Bros. Piano and Manufacturing Company (Limited) for fulfilling the terms and conditions of the mortgage given on the tenth day of September, A.D. 1887, by the said John Evans, William Evans and William Littler to the corporation of the town of Ingersoll on condition that they employ in their factory on which the said town hold their mortgage, in the meantime an average of not less than forty skilled workmen in each of the years for which the extension is hereby granted and that if at the expiration of the said extension of five years hereby granted the whole of the unpaid portion of the mortgage money has not been then earned the same is to be at once paid in cash by the said piano company to the corporation of the said town.

And it is hereby further enacted by the said council that an extension of time for a like period of five years from the date hereof be granted to the Ellis Furniture Company for fulfilling the terms and conditions of the mortgage given on the thirtieth day of January, A. D. 1888, by the Hault Manufacturing Company to the corporation of the town of Ingersoll on condition that they employ in their factory on which the said town hold their mortgage in the meantime an average of not less than sixty skilled workmen in each of the years for which the extension is hereby granted and that if at the expiration of the said extension of five years hereby granted the whole of the unpaid portion of the mortgage money has not been earned the same is to be paid in cash by the Ellis Furniture Company to the corporation of the said town.

This by-law shall come into force and take effect immediately from and after the time when the same shall have been legalized by the Legislative Assembly of the Province of Ontario and nothing herein contained shall affect the rights of the municipality of the said town to assess the said above properties for municipal and all other rates.

Read a first and second time the 15th day of November, A. D. 1897.

Read a third time and finally passed the 17th day of November, A.D. 1897.

(Sgd.)<sup>11</sup> W. R. SMITH,  
Town clerk.

(Sgd.) W. H. JONES,  
Mayor. [Seal.

## CHAPTER 46.

## An Act respecting the City of London.

*Assented to 17th January, 1898.*

**W**HEREAS the Corporation of the City of London have, by Preamble.  
 their petition, prayed for special legislation in respect  
 of the several matters hereinafter set forth; and whereas it is  
 expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

1. The proclamation bearing date the second day of Sep- Proclamation  
 tember, 1897, annexing the Village of London West to the City annexing vil-  
 of London and the annexation of the said Village to the said lage of Lon-  
 City upon the terms and conditions set out in the said procla- don West  
 mation are hereby confirmed and ratified. confirmed.

2. Notwithstanding the provisions of any Act or law, the Power to bor-  
 Corporation of the City of London may borrow, for any period, row \$56,000 to  
 not exceeding thirty years, such sum, not exceeding \$56,000, pay London  
 as to the council thereof may seem meet, for the purpose of West debent-  
 paying, when and as the same mature, the debentures of the said ures.  
 Village of London West, mentioned in the proclamation in the  
 next preceding section hereof referred to, and to provide the  
 means to enable the Water Commissioners for the City of London  
 to pay for the extension of the water mains and the other  
 works required to be done by them and mentioned in the said  
 proclamation and to pay to the County of Middlesex the por-  
 tion of the debt to the said County now due or accruing due by  
 the said City and the portion of the debt of the said County (if  
 any) to be assumed by the said City by reason of the annexa-  
 tion of the said Village of London West.

Power to borrow \$70,000 for hospital.

3. Notwithstanding the provisions of any Act or law the said the Corporation of the City of London may borrow, for any period, not exceeding thirty years, such sum, not exceeding \$70,000, as to the council thereof may seem fit, for the purpose of paying for certain contemplated alterations to the London General Hospital, and of erecting on the site of the said London General Hospital, additional buildings to provide greater accommodation for the said Hospital, and may pay and apply the same accordingly.

Assent of electors not required.

4. It shall not be necessary that any by-law for the purposes mentioned in the two preceding sections hereof shall be submitted to or receive the assent of the ratepayers of the said City, but all the other provisions of *The Municipal Act*, which are applicable and which are not inconsistent with the provisions of this Act, shall apply to every such by-law.

Rate of interest on debentures.

5. The debentures issued for any of the purposes mentioned in sections 2 and 3 hereof may bear such rate of interest, not exceeding five per cent. per annum, as the council of the corporation of the City may from time to time determine.

Irregularities in form not to invalidate by-laws or debentures.

6. No irregularity in the form of the debentures issued under the authority of this Act, or any by-law authorizing the issue thereof, shall render the same invalid or be allowed as a defence to any action against the said the Corporation of the City of London for the recovery of the amount thereof or the interest thereon or any part thereof.

Power to borrow sums necessary to redeem London West debentures.

7. The said the Corporation of the City of London may, if it shall deem it expedient so to do, borrow, on the security of the debentures by section 2 of this Act authorized to be issued, such sums as it may require for the purpose of paying off or redeeming the debentures in the said second section of this Act mentioned, or any of them, and such sums as it may require for the other purposes mentioned in the said section, or any of them and may hypothecate or pledge the said debentures, or any of them, as security for the money so borrowed when and with such rate of interest as to the said Corporation shall seem meet.

Conveyance to Huron College confirmed.

8. A certain conveyance bearing date the twenty-fifth day of September, A.D. 1897, made between the corporation of the city of London of the first part and Huron College of the second part, a true copy of which appears in Schedule A to this Act, and By law No. 1018 of the said the Corporation of the City of London, passed on the twentieth day of September, A.D. 1897, therein referred to, and each of them, are hereby declared to be valid and binding.

9. The by-law of the Corporation of the City of London set out in schedule B hereto and all assessments made by By-law No. 1028, of the said City of London and all debentures to be issued thereunder are hereby validated and confirmed.

By-law 1008 confirmed and by-law 1028 and assessments thereunder confirmed.

## SCHEDULE A.

THIS INDENTURE made in duplicate the twenty-fifth day of September in the year of our Lord one thousand eight hundred and ninety-seven : in pursuance of *The Act Respecting Short Forms of Conveyances*, and *The Consolidated Municipal Act, 1892*, and of By-law No. 1018 of the Corporation of the City of London, passed on the twentieth day of September, 1897 ; between the Corporation of the City of London, of the first part and Huron College, of the second part.

Whereas the corporation of the city of London has by its By-law No. 1018 passed on the 20th day of September, A.D. 1897, enacted that the original allowance for street, now called Talbot street, but formerly known as Great Talbot street, according to the original survey thereof made for the Crown, and lying between St. James and Grosvenor streets in the city of London, should be stopped up and forever closed, and cease to be or form part of the highway or street aforesaid, or to be a highway ; and the said by-law further enacted that the said portion of said allowance for street so closed and stopped up should on payment of the sum of one dollar by the parties of the second part (the owners of the adjoining lands) to the treasurer of the corporation of the city of London, be granted and conveyed by the parties of the first part to the parties of the second part in fee simple ;

Now therefore this indenture witnesseth : that the said parties of the first part, in consideration of the premises and of the said sum of one dollar so paid to the treasurer of the said corporation in pursuance of said by-law (the receipt whereof is hereby acknowledged) and in pursuance of the said by-law do grant unto the said parties of the second part in fee simple all and singular that certain parcel or tract of land and premises situate, lying and being in the city of London in the county of Middlesex and Province of Ontario, and being all the part or parts of the original allowance for street or highway in the said city of London now called Talbot street, but formerly known as Great Talbot street, according to the original survey thereof made for the Crown, and lying between the northern line or limit of St. James street and the southern line or limit of Grosvenor street ;

To have and to hold unto the parties of the second part their successors and assigns in fee simple.

In witness whereof the corporate seal of the corporation of the city of London and the hand of the mayor of the said city have hereunto been set.

Signed, sealed and delivered in the presence of C. A. KINGSTON.

J. W. LITTLE,  
Mayor..

[Seal]



## SCHEDULE B.

By-law No. 1009. To widen that part of High Street between Maryboro' Place on the north and Emery Street on the south.

Whereas a petition has been presented to the municipal council of the corporation of the city of London for the widening of High street between Maryboro' Place on the north and the south side of Emery street, if produced to meet the east side of High street on the south, under the provisions of sections 612 and 613 of *The Consolidated Municipal Act, 1892*, and amendments ;

And whereas the said petition has been signed by at least two-thirds in number of the owners of the real property to be benefited thereby, according to the last revised assessment roll of the municipality, such owners representing at least one-half in value of such real property, pursuant to the provisions of section 616 of the said Act ;

And whereas, pursuant to the provisions of section 618 of the said Act, the council has procured a measurement of the frontage liable to the assessment for the cost of the proposed work and of the frontage exempt from taxation and has kept a statement of the same open for inspection in the office of the clerk of the municipality for at least ten days, and the notice of the intention of the council to undertake the said work has been duly given and published once a week for two successive weeks, namely on the ninth day of April and the fifteenth day of April, 1897, in *The London News*, a newspaper published within the said city of London, and a notice of the intended by-law has been posted up one month previously in six of the most public places in the immediate neighbourhood of High street aforesaid, and published weekly for at least four successive weeks in *The London News*, a newspaper published within the said city of London, namely on the fifth, twelfth, nineteenth and twenty-sixth days of June, 1897, and all other acts have been done and performed to entitle the council to undertake the said work ;

And whereas the council has heard all persons, whose lands might be prejudicially affected by the passing of this by-law, who petitioned to be so heard ;

Be it therefore enacted by the said municipal council :—

1. That it is expedient that the said proposed work be forthwith done under the provisions of the said 612th and 613th sections of the said Act and amendments.

2. That High street in the sixth ward in the said city of London be and the same is hereby widened and opened up from its present width of thirty-three feet to a width of fifty-three feet from Maryboro' Place on the north to the south side of Emery street, if produced to meet the east side of High street, on the south, and that the lands surveyed and laid out on a plan prepared by Aquilla O. Graydon, Esquire, City Engineer, marked "A," on file in the office of the clerk of the said city and which may be better known and described as follows, that is to say :—

All and singular those certain parcels or tracts of land and premises situate, lying and being in the said city of London and being composed of a strip of land twenty feet in width throughout lying immediately to the eastward of the east limit of High street between Maryboro' Place on the north and the south side of Emery street, if produced to meet the east side of High street, on the south, and being more particularly described as follows, that is to say :—

First.—That part of sub-lot "B" according to registered plan number 430 and being part of lot number twenty-five in concession "B," formerly in the township of Westminster, now in the said city of London, and which may be more particularly known and described as follows, that is to say :—Commencing at the point of intersection of the easterly limit of High street with the southerly limit of Maryboro' Place ; thence south-  
erly

erly along the easterly limit of High street one hundred and forty feet more or less to a lane or right of way ; thence easterly along the northerly limit of the said lane twenty feet ; thence northerly parallel to High street one hundred and forty feet to the south side of Maryboro' Place ; and thence westerly along the south side of Maryboro' Place twenty feet to the place of beginning.

Second.—That part of lot number twenty-five in concession “B,” formerly in the township of Westminster, now in the said city of London, which may be more particularly known and described as follows, that is to say :—Commencing in the easterly limit of High street at a point distant one hundred and forty feet southerly from the point of intersection of the southerly limit of Maryboro' Place with the easterly limit of High street ; thence southerly along the easterly limit of High street sixteen hundred and eighteen feet, four inches ; thence easterly, parallel to Maryboro' Place, twenty feet ; thence northerly, parallel to High street, sixteen hundred and eighteen feet, four inches, and thence westerly, parallel to Maryboro' Place, twenty feet to the place of beginning, be and the same are hereby adopted, established and confirmed as part of one of the public streets and highways of the said city of London to be known as High street, and be forthwith widened, opened up and made fit for public use under the direction of the city engineer, who, with servants, workmen and agents, is hereby authorized to enter upon the said lands for the purposes aforesaid.

3. That the special assessment for the cost of the said work shall be made after the said work shall have been completed, and the mayor and treasurer are hereby authorized and empowered to make an agreement with the bankers of the corporation for a temporary advance or loan until the completion of the said work for meeting the cost thereof and to give the note or agreement of the corporation to repay such advance or loan with interest, according to the terms of the agreement so to be entered into as aforesaid.

4. That it shall be the duty of the city engineer to superintend the said work.

Passed in open council this fifth day of July, A.D., 1897.

J. W. LITTLE.

Mayor.

C. A. KINGSTON,

Clerk.

[Seal]

## CHAPTER 47.

An Act respecting the Corporation of the Town of  
Midland.

*Assented to 17th January, 1898.*

## Preamble.

WHEREAS the Corporation of the Town of Midland and the Grand Trunk Railway Company of Canada have respectively by their several petitions prayed that an Act may be passed confirming and validating a certain agreement made the fifth day of July, A.D. 1897, by and between, the Grand Trunk Railway Company of Canada, hereinafter called "the Company," of the first part, and the Corporation of the Town of Midland, hereinafter called "the Corporation," of the second part, which said agreement is set out in full in the schedule to this Act; and whereas on the 22nd day of April, 1897, the by-law hereinafter referred to and intituled "A by-law of the Town of Midland for the purpose of granting a bonus of \$25,000 to the Grand Trunk Railway Company of Canada towards the construction of an elevator at Midland," was duly submitted to and carried by a sufficient majority of the ratepayers of the Town of Midland entitled to vote thereon under the provisions of *The Municipal Act*, only about thirty ratepayers voting against the same; and whereas there was attached as a schedule to the said by-law a proposed agreement between the said corporation and the said company certain terms of which the parties thereto subsequently mutually agreed to vary, and in place and stead of the said agreement to substitute the agreement of the 5th day of July, 1897, which is set out in the schedule to this Act and whereas no objection has been made thereto and no opposition has been offered to the said petition; and whereas it is desirable to confirm the said by-law, in so far as the same is consistent with the said agreement of the 5th day of July, 1897, and also in so far as relates to the issue of the debentures in the said by-law mentioned, and in these respects to make the said by-law legal and binding;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1 The said agreement which is set out in the schedule to this Act is hereby ratified and confirmed and made legal in the same manner and to the same extent as if set out at length and incorporated in this Act, and the Corporation of the Town of Midland is hereby in all respects authorized and empowered upon the passing of this Act to issue the debentures mentioned in the said by-law notwithstanding the fact that the same are intended to extend over a period of 30 years and to make provision for payment thereof pursuant to the provisions contained in said by-law and in *The Municipal Act* in the same manner as if no change or variation in the said agreement had been made and all Acts and proceedings had and taken under the said by-law or necessary or intended to be taken thereunder for the purpose of carrying out the object and purpose of the said agreement of the 5th day of July, 1897, are hereby authorized and validated and declared binding upon the said municipality as fully as if the said agreement of the 5th day of July, A.D. 1897, had been set out in the said by-law when the same was voted upon and passed by the electors of the said municipality.

Agreement between Grand Trunk Ry. Co. and Town of Midland.



## SCHEDULE.

THIS AGREEMENT, made this 5th day of July, A. D., 1897, by and between the Grand Trunk Railway Company of Canada, hereinafter called "The Company," of the first part, and the Corporation of the Town of Midland, hereinafter called "The Corporation," of the second part.

Whereas, the company have in contemplation the increasing to some considerable extent (by the formation of a company, or otherwise) of the facilities for the storage and transportation of grain on their premises in the town of Midland, and the said corporation, having the power to do so, under the provisions of the *Municipal Act* have offered to assist the said company in said enterprise, by granting them a bonus, to the extent of \$25,000, upon terms and conditions hereinafter set forth.

Therefore this agreement witnesseth, that the said parties have, and they hereby do covenant, promise and agree, each with the other, in manner following, that is to say :—

*First.*—That the said company will cause to be erected, constructed and equipped on their premises in the town of Midland, at a point on the esplanade nearly opposite the present elevator, such new and additional buildings, structures, yardroom for tracks and sidings and facilities, as will, when completed, be sufficient to provide, in addition to that now owned by the company at the said town of Midland, elevator equipment for the handling and storage of at least 700,000 bushels of grain, such new and additional elevator and work in connection therewith to be of a modern and substantial character, and to be such as shall be determined upon and approved of by the chief engineer of the company for the time being, the work to be proceeded with and completed as soon as practicable after the signing of this agreement.

*Second.*—That upon the completion of the work, to the approval and satisfaction of the chief engineer of the company, and upon his certificate being given to that effect, the corporation shall pay over to the company the said sum of \$25,000, as a bonus towards the cost of said works, and upon the conditions herein set forth.

*Third.*—The said company covenant and agree that they will cause to be maintained and kept the said elevator and facilities in good working order and repair, and use it as far as practicable to carry out the intention expressed in clause 5 hereof.

*Fourth.*—The said company agree to keep the said elevator and premises at all times insured, to the extent of at least \$25,000, and in the event of the destruction of the premises by fire, the company shall, within twelve months thereafter, determine whether they shall rebuild the same, or not, and in case they decide not to rebuild, then the company covenant and agree to pay to the corporation, out of said insurance moneys, such sum as may be due on the basis calculated under the terms provided in clause five, and upon that being done, all the obligations of the company under this agreement shall be at an end. In case the company determine to rebuild the said premises, they shall do so within twelve months after such decision is reached.

*Fifth.*—The intention of the company is to cause to be kept and maintained, the said elevator and facilities, at the said town of Midland for the future, and to endeavor to induce the flow of a large grain trade to that point, and if possible to have it even increase beyond the extensive facilities now intended to be provided, but in order to provide against disputes, should the company desire to put an end to their obligations under this agreement, it is hereby mutually agreed by and between the parties that the company shall have the right to put an end to this agreement, on giving one month's notice in writing to the corporation of their intention

to do so, and at the expiration of one month from the service of said notice, the obligations of the company under this agreement shall be at an end, and in such case the company shall refund to the corporation such sum in full of all damages for breach of this agreement as may be found due, calculated on the following basis, viz.: should the company have kept and maintained the said elevator and its appliances in good order and repair for twenty-five years from the date of this agreement, then in case of the notice being given as above mentioned, nothing shall be due or demanded, but in the event of the notice being given at any time before the expiration of the twenty-five years, then the company shall refund \$1,000 per year for every year that has to elapse from the time the said notice is given until the twenty-five years are completed, inclusive of the year in which the notice is given, as aforesaid, and upon the sum being paid, calculated as aforesaid, by the said company to the corporation, all rights of action of the said corporation against the company for any breach of this agreement shall be extinguished and satisfied.

*Sixth.*—The corporation agree to place a fixed valuation of \$75,000, to extend over a further term of ten years from and after the expiration of the present term of years, of fixed assessment upon the entire property of the company, including the value of the proposed new elevator, and such other improvements as the company may, during the said period of ten years, make in the said municipality of Midland.

In witness whereof the said parties have hereunto affixed their corporate seals, on the day and year first above written.

GRAND TRUNK RAILWAY COMPANY OF CANADA,

Witness :

R. S. Logan,

Recommended,

Geo. B. Reeve,

General Traffic Manager.

Chas. M. Hays,

General Manager.

(L. S.)

THE CORPORATION OF THE TOWN OF MIDLAND,

Thos. J. Trueman,

Witness.

S. A. Milligan,

Acting Mayor.

(L. S.)

## CHAPTER 48.

An Act to consolidate the Floating Debt of the Town  
of North Bay.

*Assented to 17th January, 1898.*

Preamble.

WHEREAS the Municipal Corporation of the Town of North Bay by their petition have represented that they have incurred a floating debt of about \$8,500 in addition to the ordinary expenses of the Corporation, for payment of which no funds have been provided; and whereas the said Corporation have represented that the payments to be made on account of the debenture debts of the said municipality and the said floating debt would be unduly oppressive to the rate-payers; and whereas the said Corporation have by their petition prayed among other things that they may be authorized to issue debentures to an amount not exceeding in the whole, \$8,500, and with the money loaned thereon to pay off the present floating indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to borrow \$8,500 to pay floating debt.

1. It shall be lawful for the Corporation of the said Town of North Bay to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons or body corporate, a sum or sums sufficient to pay off the said floating indebtedness, not exceeding in the whole \$8,500.

Issue of debentures to \$8,500.

2. The said Corporation of the Town of North Bay may pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor, and countersigned by the treasurer for the time being, in such sums not less than \$100, and not exceeding \$8,500 in the whole, as the said

said corporation may direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable at such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

3. The corporation of the said Town may, for the purposes in section 7 of this Act mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell or dispose of the said debentures from time to time as may be deemed expedient.

Power to raise money on debentures.

4. The said debentures shall be payable in not more than twenty years from the first day of December, A.D. 1897 as the said Corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of December in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Term of debentures.

Interest on debentures.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year from the first day of December, 1897, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Debt to be paid off in annual instalments.

6. The said Corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest, in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Special rate.

7. The said debentures and all moneys arising therefrom shall be applied by the said Corporation in payment of the said floating debt, not exceeding in the whole \$8,500 as aforesaid, and in no other manner and for no other purpose whatsoever.

Application of proceeds of debentures.

8. It shall not be necessary to obtain the assent of the electors of the said town of North Bay for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto, prescribed by *The Municipal Act*.

Assent of electors not required.

Rev. Stat., c. 223.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

By-law not to be repealed until debt paid.



Indebtedness  
of town not  
discharged.

**10.** Nothing in this Act shall be held or taken to discharge the Corporation of the Town of North Bay from any indebtedness or liability which may not be included in the said debts of the said Town.

Form of de-  
bentures and  
by-laws.

**11.** The debentures issued under this Act may be in the form contained in Schedule A to this Act, and the by-law or by-laws authorizing the same and for the special rate for payment of interest may be in the form of Schedule B to this Act, or as near thereto as the said Corporation may find convenient.

Inconsistent  
enactments  
not to apply.

**12.** Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said Corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or any by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the Corporation for the recovery of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law, or issue of debentures, or as to the application of the proceeds thereof.

## SCHEDULE A.

(Section 11).

### DEBENTURE.

Province of Ontario, Town of North Bay.

No.

§

Under and by virtue of an Act respecting the floating debt of the Town of North Bay passed by the Legislative Assembly of the Province of Ontario in the sixty-first year of the reign of Her Majesty Queen Victoria and chaptered \_\_\_\_\_ and by virtue of By-law No. \_\_\_\_\_ of the corporation of the Town of North Bay, passed under the provisions contained in the said Act, the Corporation of the Town of North Bay promise to pay to the bearer at \_\_\_\_\_ in the Town of North Bay, the sum of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_ and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at the town of North Bay in the district of Nipissing this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_

Mayor.

Treasurer.

SCHEDULE

## SCHEDULE B.

(Section 11).

By-law No.                      to authorize the issue of debentures under the authority of an Act respecting the floating debt of the Town of North Bay.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$8,500 in the whole, as the Corporation of the Town of North Bay may in pursuance of and in conformity with the provisions of the said Act direct; and whereas, for the purposes of the said Act, it is necessary and expedient to issue debentures to the extent of \$                      payable as follows :

with interest thereon, at the rate of                      per centum per annum, payable yearly, according to the coupons to the said debentures attached; and whereas the amount of the whole rateable property of the said Town of North Bay, according to the last revised assessment roll of the said Town being for the year one thousand eight hundred and ninety was \$                      ;

Therefore the Municipal Corporation of the Town of North Bay enacts as follows :

1. Debentures under the said Act, and for the purposes mentioned therein to the extent of the sum of \$                      are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of                      per centum per annum payable yearly on the                      day of                      in each year.

This by-law passed in open council this                      day of                      n  
the year of our Lord one thousand eight hundred and ninety

## CHAPTER 49.

## An Act respecting the City of Ottawa.

*Assented to 17th January, 1898.*

Preamble.

**W**HEREAS the Municipal Council of the Corporation of the City of Ottawa, has by its petition prayed that authority may be given to the said council to raise the sum of \$70,000 upon the security of the lands and premises in the said City known as Lansdowne Park and other lands to be acquired for the purpose of extending and enlarging the said park, for the purpose of paying for the said lands so to be acquired, and of erecting new buildings and removing and rebuilding buildings already erected on the said lands and premises; and whereas the value of the said lands and premises known as Lansdowne Park far exceeds the said sum of \$70,000, and the security for the repayment of the said loan will be ample without any rate being imposed for that purpose and no opposition has been raised to the said authority being granted; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to  
borrow \$70,000  
for Lansdowne  
Park  
improvements.

1. The Council of the Corporation of the City of Ottawa is hereby authorized and empowered to raise by way of loan from any person or persons, body or bodies corporate who may be willing to advance the same the sum of \$70,000 for the purpose of acquiring and paying for additional lands and of erecting new buildings and removing and rebuilding buildings already erected on the lands and premises in the City of Ottawa known as Lansdowne Park, and at such rate of interest not exceeding five per cent. per annum as the said council may agree to pay therefor, and as security for the repayment of the said loan and interest thereon to grant and mortgage the said lands and premises known as Lansdowne Park.

2. The by-law or by-laws of the said corporation authorizing the said loan shall not require to be submitted to or to have the assent of the electors of the said city before the final passing thereof, nor shall it be necessary that any of the provisions of *The Municipal Act*, relating to by-laws creating debts be complied with.

Assent of  
electors not  
required.

Rev Stat. c.  
223.



## CHAPTER 50.

## An Act respecting By-law No. 205 of the Town of Rat Portage

*Assented to 17th January, 1898.*

## Preamble

WHEREAS the Corporation of the Municipality of the Town of Rat Portage have petitioned praying that an Act may be passed to confirm and legalize a by-law of the said corporation passed on the 12th day of November, 1897, entitled "By-law No 205, a by-law to raise the sum of \$75,000, upon the credit of the municipality of the Town of Rat Portage, for the construction of a system of waterworks therein," a copy of which said by-law is contained in the Schedule to this Act; and whereas the said Corporation of the said Municipality of the Town of Rat Portage by their petition have represented that it is necessary and expedient, and of advantage to the said municipality that the said By-law No. 205 should be ratified and declared legal, valid and binding upon the said municipality; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.  
205 confirms

1. By-law No. 205 of the Municipal Corporation of the Town of Rat Portage set forth in Schedule A to this Act, is hereby confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and the said corporation of the Town of Rat Portage is hereby authorized and empowered to issue debentures as provided by the said by-law, and the said debentures so issued under the said by-law are hereby declared legal and

binding

binding upon the said municipality, and the said corporation are hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law No. 205.

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## SCHEDULE A.

### BY-LAW NO. 205.

#### *(Section 1.)*

A by-law to raise the sum of seventy-five thousand dollars upon the credit of the municipality of the town of Rat Portage for the construction of a system of waterworks therein.

Whereas it is deemed necessary and expedient to construct a system of waterworks in the town of Rat Portage and it will be necessary to borrow on the credit of the municipality the sum of seventy-five thousand dollars, therefor, said sum to be repayable with interest at the rate of four per centum per annum in thirty annual instalments.

And whereas owing to the separated portion of the west ward of the town of Rat Portage, and its physical features, it is impracticable to construct water works in that ward without very great expense said works will serve only the central, north and south wards of the said municipality.

And whereas chapter 62 of 50 Victoria (Ontario), amended by 55 Victoria, chapter 83, section 20, provides for exemption under certain conditions of property in the municipality west of second outlet of the Lake of the Woods which comprises the west ward of the town of Rat Portage, as defined by 55 Victoria, chapter 83, from assessment for any rate for the purpose of raising money for the payment of debentures which may be issued by the municipality.

And whereas the total amount that will be required to be raised by special rate on all the rateable property in the central, north and south wards in the municipality in each year during the currency of the said debt to discharge the several instalments of principal and interest due on said debt as the said instalments and interest respectively become due according to the terms of this by-law is the sum of \$4,337.26.

And whereas the whole amount of ratable property of the said municipality according to the last revised assessment roll is \$1,333,819.00, and the amount of the rateable property in the said central, north and south wards is \$1,202,629.00.

And whereas the total amount that will be required to be raised annually during the said period of thirty years by special rate for paying the said sum and interest will be the sum of \$4,337.26.

And whereas the amount of the existing debt of the said municipality is \$90,562.76, of which the proportion to be paid by the central, north and south wards is \$80,683.55, and no part of the principal and interest is in arrears.

Therefore the mayor and municipal council of the corporation of the town of Rat Portage, in council assembled, enacts as follows :

1. That it shall be lawful for the mayor of the town of Rat Portage and he is hereby authorized to raise by way of loan from any person, firm or company

company or corporation who may be willing to advance the same upon the credit of the debentures to be issued under this by-law the sum of seventy-five thousand dollars for the purposes and objects recited in this by-law.

2. That it shall be lawful for the mayor of the town of Rat Portage, and he is hereby required and authorized to issue debentures of the municipal corporation to the amount of seventy-five thousand dollars, for the purpose aforesaid, which debentures shall be for the several amounts in the next clause hereof and shall be sealed with the seal of the corporation, and signed by the mayor, or head thereof for the time being, and countersigned by the treasurer thereof.

3. The said debentures shall be made payable at the office of the Imperial Bank of Canada, in the town of Rat Portage, and shall bear interest at the rate of four per cent. per annum, from the first day of December, in the year of our Lord one thousand eight hundred and ninety-seven, which interest shall be payable at the said bank in the town of Rat Portage on the first day of December in each and every year; said debentures shall have attached to them coupons for the payment of the said interest, and shall be for the amounts, and shall be payable on the days and times following, that is to say:

On the first day of December, 1898.....	\$1,337 27
“ “ 1899.....	1,390 76
“ “ 1900.....	1,446 39
“ “ 1901.....	1,504 25
“ “ 1902.....	1,564 42
“ “ 1903.....	1 627 00
“ “ 1904.....	1,692 00
“ “ 1905.....	1,759 70
“ “ 1906.....	1,830 05
“ “ 1907.....	1,903 35
“ “ 1908.....	1,979 48
“ “ 1909.....	2,058 62
“ “ 1910.....	2,141 00
“ “ 1911.....	2,226 64
“ “ 1912.....	2,315 70
“ “ 1913.....	2,408 34
“ “ 1914.....	2,504 67
“ “ 1915.....	2,604 86
“ “ 1916.....	2,709 05
“ “ 1917.....	2,817 40
“ “ 1918.....	2 930 00
“ “ 1919.....	3,047 30
“ “ 1920.....	3,169 20
“ “ 1921.....	3,295 98
“ “ 1922.....	3,427 82
“ “ 1923.....	3,564 93
“ “ 1924.....	3,707 52
“ “ 1925.....	3,855 83
“ “ 1926.....	4,010 00
“ “ 1927.....	4,170 47

4. That the sum of \$4,337.26 shall be raised and leviable on all the ratable property in the central, north and south wards of the said municipality in each and every year during the currency of the said debt by special rate sufficient to discharge the several instalments and interest accruing due on the said debt as the said instalments and interest become due respectively, payable according to the terms of this by-law.

5. That this by-law shall take effect on the first day of December, in the year of our Lord one thousand eight hundred and ninety-seven.

6. That the votes of the electors of the central, north and south wards of the said town of Rat Portage shall be taken on this by-law on the  
ninth

ninth day of November, in the year of our Lord one thousand eight hundred and ninety-seven, at a poll to be opened at the following places and with the following deputy returning officers :

Central ward polling subdivision No. 1—At the Town Hall in the said town of Rat Portage, by John Alexander McCrossan, deputy returning officer.

Polling subdivision No. 2—At the Music Hall in the said town of Rat Portage, by Phineas Hutchins Clark, deputy returning officer.

North ward, polling subdivision No. 1—At the Court House, in the said town of Rat Portage, by Charles Wiggins Belyea, deputy returning officer.

Polling subdivision No. 2—At the Public School, in the said town of Rat Portage, by James Sherman, deputy returning officer.

South ward—At the offices of the Rat Portage Lumber Company, by George Evans, deputy returning officer.

And that the said poll shall be opened at the hour of nine o'clock in the forenoon, and shall be kept open until five o'clock in the afternoon on the same day.

7. That on the eighth day of November, in the year of our Lord one thousand eight hundred and ninety-seven, at the hour of eleven o'clock in the forenoon, the mayor, or the head of the municipality for the time being, shall appoint in writing signed by him two persons to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

8. That on the tenth day of November, in the year of our Lord one thousand eight hundred and ninety-seven, being the day following the said poll, the clerk of the town of Rat Portage shall attend at the town hall in the said town of Rat Portage at twelve o'clock noon, and shall sum up the number of votes given for and against this by-law and then and there declare to the persons whether the requisite number of electors voted in favor of the passing of this by-law or contrary thereto.

9. Estimates of the intended expenditure in the construction of the said waterworks shall be published for one month and notice of the time appointed for taking a poll of the electors on this by-law shall be published for two months and a copy of this by-law at length as the same may be ultimately passed and the notice of the day appointed for finally considering the same in council, shall be published for three months in 'The News,' one of the newspapers in the municipality of the town of Rat Portage before the passing of this by-law.

Done and passed in open council this 12th day of November, A.D. 1897.

I. M. SAVAGE,  
Mayor.

JOHN KERR BRYDON,  
Clerk.



## CHAPTER 51.

An Act respecting the City of St. Thomas and the  
St. Thomas Street Railway Company.*Assented to 17th January, 1898.*

## Preamble.

**W**HEREAS the Municipal Corporation of the City of St. Thomas and the St. Thomas Street Railway Company have by their petition represented that they have entered into an agreement whereby the said Street Railway Company have agreed to construct, maintain, equip and operate an electric street railway upon the trolley system in the City of St. Thomas upon the conditions that the corporation of the City of St. Thomas guarantees the bonds of the said company to be issued to the extent of \$50,000 payable in 30 years from the issue thereof and the interest thereon payable half yearly at the rate of four per cent. per annum, and also pays the first year's interest on said bonds amounting to \$2,000; and whereas the council of the City of St. Thomas has duly passed by-law No. 1055 entitled "By-law No. 1055 to authorize the guaranteeing by the Corporation of the City of St. Thomas of the payment of the bonds of the St. Thomas Street Railway Company to the extent of \$50,000 payable in 30 years from the issue thereof and also the payment of the half-yearly interest on the same at the rate of four per cent. per annum and also authorizing the payment by the said Corporation of the first year's interest on such bonds amounting to \$2,000 for the purpose of aiding the said Company in constructing, equipping and maintaining an electric street railway in the said City of St. Thomas" which by-law has been duly assented to by a majority of the ratepayers of the said city qualified to vote and who voted thereon authorizing the council of the said city to enter into the said agreement and further authorizing the guarantee by the said municipality of the bonds of the said company to the extent of \$50,000 payable in 30 years from the date of the issue thereof and of the interest thereon payable half yearly at the rate of four per cent per annum and further authorizing the payment by the said municipality

municipality of the first years interest amounting to \$2,000; and whereas the said Corporation of the City of St. Thomas and the said St. Thomas Street Railway Company have by their petition prayed that the said by-law and agreement may be legalized and confirmed by an Act of the Legislative Assembly of the Province of Ontario; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law No. 1055 of the City of St. Thomas to authorize the guaranteeing by the corporation of the City of St. Thomas of the payment of the bonds of the St. Thomas Street Railway Company to the extent of \$50,000 payable in 30 years from the issue thereof, and also the payment of the half yearly interest on the same at the rate of four per cent. per annum and also authorizing the payment by the said corporation of the first year's interest on such bonds amounting to \$2,000 for the purpose of aiding the said Company in constructing, equipping and maintaining an electric street railway in the City of St. Thomas, and set out in schedule A to this Act, is hereby ratified and confirmed and declared to be legal and valid to all intents and purposes, and the guarantee to be given by the said Municipal Corporation of the said City of St. Thomas upon the said bonds of the said Street Railway Company, according to the form contained in said by-law is hereby declared to be legal and valid and binding upon the said Municipal Corporation.

By-law No.  
1055 guaran-  
teeing bonds  
of St. Thomas  
St. Ry. Co.

2. The said agreement bearing date the twenty-fifth day of October A. D. 1897 and made between the Corporation of the said City of St. Thomas and the St. Thomas Street Railway Company and set forth in schedule B to this Act is hereby declared to be legal valid and binding upon the parties thereto their successors and assigns to all intents and purposes whatsoever.

Agreement  
confirmed.

3. The bonds of the said Street Railway Company to be so issued as aforesaid to the amount of \$50,000 and guaranteed by the Corporation of the City of St. Thomas payable in thirty years from the issue thereof are hereby declared to be valid and binding upon the said Company and to be within the power and authority of the Company to issue, anything contained in *The Street Railway Act* or any other Act to the contrary notwithstanding, and the said company is hereby authorized to issue the said bonds to the amount aforesaid.

Bonds of  
company  
confirmed

Rev. Stat. c.  
208.

4. The mortgage deed referred to in the said agreement and set forth in schedule C to this Act when duly executed and delivered

Mortgage to  
secure funds  
confirmed.

delivered shall be legal and binding upon the said Street Railway Company its successors and assigns and shall be a first lien charge and encumbrance, until the said bonds are paid by the Company and the other conditions of such mortgage are fully satisfied, upon the said railway, its tracks, plant, equipments, buildings, assets, franchise and real and personal property both within and without the limits of the City and whether at present existing or hereafter acquired, purchased or constructed without any registration in the registry office of the County of Elgin or filing in the office of the clerk of the county court of the County of Elgin, or other formality, and shall not require to be renewed, nor shall any renewal or statement of the amount due thereon or the affidavit verifying the same require to be filed or registered as aforesaid in any year or at any time during the currency of the said mortgage or the existence of the company's franchise anything contained in *The Bills of Sale and Chattel Mortgage Act*, or any Act amending the same to the contrary notwithstanding. And such mortgage shall have the preference and priority over all other claims whatsoever against the said property including any claims for rent by any person, firm or corporation on whose lands any part of the plant, machinery, equipment or personal property of the said Company may at any time be placed, or allowed to be.

Rev. Stat.,  
c. 148.

Special rate

5. The Council of the Corporation of the City of St. Thomas shall have the right to levy for and raise by a special rate sufficient thereon on all the ratable property in the said City of St. Thomas any sum or sums of money that the Corporation may have to pay on account of the interest upon the said bonds of the said Street Railway Company under the said guarantee.

Issue of debentures to pay guarantee

6. In case at the maturity of the said bonds so guaranteed by the said municipality, the Corporation of the City of St. Thomas is called upon to pay the same or any portion thereof under its guarantee aforesaid, then and in such case the council of the City of St. Thomas is hereby authorized and empowered to pass a by-law authorizing the issue of debentures of the said city for such sum or sums as may be necessary to redeem and take up the bonds of the said company so guaranteed as aforesaid, and such debentures shall be made payable at such time or times not exceeding 30 years, at the farthest and at such rate of interest as the council may deem expedient, and the said debt and interest may be made payable by annual instalments of such amount that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the currency of such debentures but such by-law shall not be required to be submitted to, or to be assented to by the ratepayers of the said City, anything contained in *The Municipal Act*, to the contrary notwithstanding.

Rev. Stat.,  
c. 223.

7. In case the said railway comes into the possession and control of the City of St. Thomas either by purchase, or by arbitration under the said agreement, or by the default of the said company in carrying out the terms of the said agreement, or by the exercise by the said municipal corporation of any of its powers contained in the said agreement, or in the said mortgage, the Corporation of the City of St. Thomas shall have the right to own, manage and operate the said railway including the connection to the park, and to exercise the same rights and powers and be subject to the same liabilities as street railway companies under *The Street Railway Act*; and the said Corporation shall also have the right to purchase or acquire any park whether within or without the limits of the City of St. Thomas, together with the tracks, approaches and equipments thereof which the said railway company may own or hold, and the right also to possess, hold, manage and operate such portion of the said railway as may be constructed or may require to be constructed along the boundary line between the city and any township, and between the limits of the said city and the said park, and also shall stand in the same position and have all and every power, right and privilege conferred on the said Street Railway Company by their Act of incorporation being Chapter 53 of the Statutes of Ontario, 1878.

Operation of  
railway by  
city.

Rev. Stat.  
c. 208.

8. The Corporation of the City of St. Thomas is hereby authorized and empowered in case the said railway comes into possession and control of the City and any park is acquired by the said city as in section 7 provided to pass a by-law to raise such sum or sums of money as may be required to purchase the same, as well as that portion of the railway which lies between the city system and such park, in case the said municipal corporation deems it advisable to purchase the same, and for such other purpose in connection with the acquisition of the said railway and park, as the council of the said city may deem expedient, but such by-law shall be assented to by the ratepayers of the city and shall be passed in accordance with the provisions of *The Municipal Act*.

City may  
purchase park  
on taking over  
railway.

Rev. Stat.  
c. 223.

9. The said Company is hereby authorized and empowered to construct and operate their line of railway where necessary upon the dividing line between the limits of the City of St. Thomas and any adjoining township.

Operating line  
on boundary  
between city  
and other  
municipalities.

10. If the Company shall fail or neglect to keep, observe, perform or comply with any of the provisions of the said agreement referred to in section 2 of this Act, and set forth in schedule B of this Act, in which the residents of the municipality or the corporation or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation may

Action to  
enforce  
performance  
by company



bring an action in the High Court of Justice against the company and all other necessary parties, to compel the keeping, observing, performing of and complying with such provisions, and the Court shall have full power and jurisdiction in the premises to enforce, by injunction or otherwise the due observance, performance and fulfillment by the Company and its officers and other persons of all provisions of the said agreement in which residents of the municipality or the corporation or any other person or corporation are interested.

City's right to sinking fund on default of company.

**11.** In case the said railway comes into the possession and control of the City by the default of the Company in carrying out the terms of the said agreement set out in schedule B to this Act or by the exercise by the Corporation of the City of St. Thomas of any of its powers contained in the said agreement or of the provisos or conditions contained in the said mortgage set forth in schedule C to this Act, the Corporation of the City of St. Thomas shall be entitled to the full amount of the sinking fund deposited in any bank to the joint credit of the corporation and the company as provided by the said agreement, and shall apply the sum so deposited as aforesaid in payment of the bonds of the said company so guaranteed by the said corporation.

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## SCHEDULE A.

By-Law No. 1055.

To authorize the guaranteeing by the corporation of the city of St. Thomas of the payment of the bonds of the St. Thomas Street Railway Company, to the extent of \$50,000, payable in thirty years from the issue thereof, and also the payment of the half-yearly interest on the same at the rate of four per cent. per annum, and also authorizing the payment by the said corporation of the first year's interest on such bonds amounting to (\$2,000.00) two thousand dollars, for the purpose of aiding the said company in constructing, equipping and maintaining an electric street railway in the said city of St. Thomas.

Whereas by the Act passed by the Legislature of the Province of Ontario, in the 41st year of Her Majesty's reign, chapter 53, the St. Thomas Street Railway Company was authorized and empowered to construct, complete, maintain and operate a street railway upon, over and along such of the streets of the said city as might be agreed upon between the said corporation of the said city and the said company by the force or power of animals or such other motive power as might be authorized by the council of the said municipality.

And whereas in pursuance of the said Act and of the authority of certain by-laws of the municipality the said company did construct a street railway and operate the same by means of horses over and upon and along Talbot street and Catherine street in the said city.

And

And whereas the said company is desirous of constructing their railway, and extending their system, and operating the same by means of electricity over and along and upon the following streets in the city of St. Thomas :—

Pleasant street, from Talbot street to Centre street.

Centre street, from Pleasant street to William street.

William street, from Centre street to Wellington street.

Wellington street, from Stanley street to Ross street.

Ross street, from Wellington street to Forest street.

Forest avenue, from Ross street to Fourth avenue.

Fourth avenue, from Forest avenue to Wellington street.

Wellington street, from Fourth avenue to First avenue.

First avenue, from Wellington street to Talbot street.

Talbot street, from First avenue to Inkerman street.

Inkerman street, from Talbot street to Redan street.

Redan street, from Inkerman street to Alma street.

Alma street, from Redan street to Talbot street.

Talbot street, from Alma street to Pleasant street.

Elgin street, from Wellington street to the road allowance between the seventh and eighth concessions of Yarmouth.

St. Catherine street, from Talbot street to Kains street.

Kains street, from St. Catherine street to Station street.

Station street, from Kains street to the Grand Trunk Railway.

And whereas, in order to make the said extensions to their system and to construct their said railway upon and along the streets above mentioned, and to operate the same by means of electricity, the said company has asked the council of the city of St. Thomas to aid them and assist the said company by guaranteeing its bonds, to the extent of \$50,000 with interest thereon at four per cent. per annum, payable half-yearly, the bonds to be payable in thirty years from the date of the issue thereof, and also by paying the first year's interest upon the bonds, amounting to \$2,000 ;

And whereas, it is expedient to accede to the request of the said company, and to guarantee the said principal and interest upon the said bonds of the said company to the amount aforesaid, and also to pay the first year's interest upon the said bonds amounting to two thousand dollars :

And whereas, the total amount of the debt or engagement which this by-law is intended to create or authorize is the amount of the guarantee by this municipality of the payment by the said company of the said bonds to the amount of \$50,000 and the interest thereon, at the rate of four per cent. per annum, payable half-yearly in thirty years from the issue thereof, and also the payment by the corporation of the city of St. Thomas of the sum of \$2,000, being the first year's interest on the said bonds ;

And whereas the amount of the whole rateable property in the said city of St. Thomas, according to the last revised assessment of the said city, being for the year A.D. 1897, is the sum of \$4,399,33) ;

And whereas the amount of the existing debenture debt of the city of St. Thomas (exclusive of local improvements debts secured by special rates and assessments) is the sum of \$325,067.86 and there is no sum in arrear either for principal or interest for or on account of the same ;

And whereas, in addition to all other rates to be levied in the year A.D. 1898 in the city of St. Thomas it will be necessary to raise by a special rate sufficient therefor on all the rateable property in the said city in the year 1898, the sum of \$2,000 for the payment of the first year's interest on the said bonds as the same may become due and payable ;

And

And whereas, the said corporation of the city of St. Thomas and the St. Thomas Street Railway Company have agreed upon the terms and conditions, rules and regulations, upon and under which the said railway is to be constructed and operated by the said company in case this by-law is passed by the council and is assented to by the ratepayers of the said city, and in case the legislature of the Province of Ontario ratifies and confirms the said by-law and agreement.

Be it therefore enacted by the municipal council of the corporation of the city of St. Thomas as follows :—

1. That the bonds of the St. Thomas Street Railway Company to be issued, to enable the said company to raise money for the purpose of constructing and extending the railway upon, over and along the streets above set forth in the city of St. Thomas and of operating the same by means of electricity, to the amount of \$50,000, payable in thirty years from the date of the issue thereof, and the interest thereon at the rate of four per cent. per annum, payable half yearly on the first days of July and January in each year, during the said term of thirty years be, and the same are hereby guaranteed by the city of St. Thomas at large.

2. That the guarantee aforesaid is hereby declared to be to and for the benefit of the purchaser and purchasers of the said bonds his or their assigns, and to and for the benefit of all and every such company or companies, person or persons, body or bodies corporate, who may hereafter at any time be the holder of the said bonds or any of them.

3. That the guarantee aforesaid to be given and hereby authorized to be given by the said municipality shall be endorsed upon each of the said bonds, the aggregate amount of which shall not exceed \$50,000 and shall be in the words and figures following, or to the like effect :

The corporation of the city of St. Thomas in the Province of Ontario, in consideration of the extensions and electrifying of the railway by the St. Thomas Street Railway Company do hereby guarantee the payment of the within bond at maturity and do further guarantee the payment of the interest coupons thereto attached as the same become respectively due and payable. This guarantee is given to and for the benefit of the purchasers of this bond and of every person or persons, company or companies, body or bodies corporate who may at any time hereafter be the holder of this bond.

This guarantee is given pursuant to by-law No. 1055, of the city of St. Thomas.

Mayor of the city of St. Thomas.

4. The mayor of the said city of St. Thomas is hereby authorized and empowered to sign the said guarantee so endorsed upon the said bonds on behalf of the said municipal corporation, and the clerk of the said city is hereby authorized and instructed to attach the seal of the said corporation thereto. But such guarantee shall not be executed till security has been given by the said company to the corporation satisfactory to the council of the city of St. Thomas that the company will construct, complete and equip their said railway in the manner provided by the agreement between the corporation and the company and annexed to this by-law and marked Schedule A and will have the same in operation by the first day of November, A. D. 1898, and that the said company will make, execute, and deliver to the corporation on or before the completion of the railway a first mortgage upon the railway, the plant, equipment, assets, and real and personal property of the company as security for and indemnity to the corporation against payment of the said bonds and interest thereon, and as security also for the other matters and things mentioned in the said agreement and which the said mortgage is therein intended to cover.

5. In case of the failure of the said railway company to meet any of their half-yearly payments of interest upon the said bonds or upon any

of

of them or any part of such interest as they respectively become due and payable, and in case the corporation of the city of St. Thomas is called upon to pay the same, then, and in every such case, there shall be raised and levied in the same year or in the next year ensuing over and above and in addition to all other rates and taxes by a special rate sufficient therefor on all the rateable property in the said municipality by general assessment a sum sufficient to pay the amounts of such interest so paid or payable by the said municipality, and the same shall be payable and paid out of the taxes raised by such general assessment in said municipality.

6. There shall be raised and levied in the year 1898, by a special rate sufficient therefor on all the rateable property in the said municipality over and above and in addition to all other rates and taxes, the sum of \$2,000 to pay the first year's interest upon the said bonds of the said street railway company of \$50,000.

7. The mayor of the city of St. Thomas is hereby authorized and empowered to sign and execute on behalf of the municipality the agreement to be entered into between the said street railway company and the said corporation of the city of St. Thomas for the extension of the said street railway and for operating the same by the means of electricity, and the clerk of the municipality is hereby authorized and instructed to affix the seal of the said corporation to the said agreement, which said agreement is annexed to this by-law and marked Schedule A.

8. This by-law shall come into force and take effect upon, from and after the date upon which an Act is passed by the Legislature of the Province of Ontario, ratifying and confirming the same.

9. The votes of the ratepayers of the city of St. Thomas shall be taken on this by-law by the deputy returning officers hereinafter named, on Tuesday, the 30th day of November, 1897, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, at the undermentioned places:—

First ward,—At the city hall, by William Fairbrother.

Second ward,—At the vacant store of John McLean, No. 253 North Talbot street, by Thomas Arkell.

Third ward,—At the vacant store in the grand central block, No. 318 South Talbot street, by Daniel Ferguson.

Fourth ward,—At W. Compton's barber shop, in front of Green's planing mill, Talbot street, by Jesse P. Freek.

Fifth ward,—At No. 677 North Talbot street, by Archibald R. McDonald.

Sixth ward,—At Jenkin's shop, No. 803 Talbot street, by Joseph E. Fraser.

That on Monday, the 29th day of November, 1897, at three o'clock in the afternoon, at the city hall, the mayor shall appoint, by writing signed by him, two persons to attend at the final summing up of the votes by the city clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of persons interested in and desirous of opposing the passing of this by-law.

The clerk of the municipality shall on Wednesday, the first day of December, A. D. 1897, at the hour of 12 o'clock noon, attend at the city hall, in St. Thomas, and sum up the number of votes given for and against this by-law.

Read and finally passed this 3rd day of December, A. D. 1897.

(Sgd.)

FRED. W. WRIGHT,

Mayor.

W. B. DOHERTY,

City clerk. [L. S.]

SCHEDULE



## SCHEDULE B.

## AGREEMENT BETWEEN THE STREET RAILWAY COMPANY AND THE CITY OF ST. THOMAS.

THIS INDENTURE made in duplicate this 25th day of October, in the year of our Lord one thousand eight hundred and ninety-seven, between the corporation of the city of St. Thomas (hereinafter called the corporation) of the first part, and the St. Thomas Street Railway Company (hereinafter called the company) of the second part.

WHEREAS the Legislature of the Province of Ontario by an Act passed in the forty-first year of Her Majesty's reign, chapter 53, entitled "An Act to incorporate the St. Thomas Street Railway Company," authorized and empowered the said company to construct, complete, maintain and operate for the term of fifty years from the fourth day of February, A.D. 1879, a single or double track iron railway with the necessary side tracks, switches and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the public streets within the jurisdiction of the corporation of the city of St. Thomas as the company might be authorized to pass along, under and subject to an agreement to be made between the council of the corporation and the company, and under and subject to any by-law of the corporation, and to take, transport and carry passengers and freight upon the same by the force or power of animals or such other motive power as the corporation may from time to time authorize to be used.

And whereas in pursuance of the said Act and the authority given by by-law No. 146 of the then town of St. Thomas, the said company did construct and operate a street railway by means of horses upon, over and along Talbot and St. Catharine streets in the said city.

And whereas the said company is desirous of extending and constructing their railway upon certain streets of the said city of St. Thomas other than those at present occupied and operated by them, and of constructing a surface electric street railway upon the trolley system on the streets hereinafter mentioned, and the said corporation has agreed to grant to the said company the right and privilege of extending said railway, and of constructing and operating a surface electric street railway upon the trolley system, upon the agreement, terms, conditions and provisions hereinafter set forth.

Now therefore this indenture witnesseth that in consideration of the agreements to be carried out and performed by the parties hereto respectively, the said corporation and the said company do hereby mutually covenant and agree each with the other as follows :

1. The consent, permission and authority of the corporation is hereby given and granted to the said company to construct, complete, maintain and operate during the remainder of the term of fifty years from the fourth day of February, 1879, a surface electric street railway upon the trolley system, consisting of single tracks with necessary side-tracks, turn-outs or switches for the passage of cars, carriages and other vehicles adapted to the same upon and along the streets of St. Thomas, mentioned in section 77 of this agreement, provided, however, that the company shall not construct more than two switches or turn-outs on Talbot street without the consent and permission of the council of the corporation, and to erect all necessary poles and wires, electric appliances and over-head construction along such streets for the completion of the railway on the trolley system, and to operate such railway by running cars thereon by means of electricity as the motive power during the term hereby specified upon and subject to the conditions and agreements hereinafter mentioned or contained.

2. The construction of the said electric street railway shall be commenced immediately after the ratification of this agreement and of the by-law of the said corporation relating hereto, being by-law No. 1055 by the Legislature of the Province of Ontario, and shall be continued thereafter without unnecessary interruption or delay, and the said railway shall be completed, and the electric cars running efficiently and the whole of the works in full operation upon all of the streets and parts of streets mentioned in section 77 of this agreement within nine months of the ratification of this agreement and of the said by-law by the legislature, in default of which all of the privileges granted to the company by this agreement (or by any other former agreement between the parties hereto, or by any by-law of the corporation heretofore passed,) shall cease, determine and be at an end, and in that event the corporation may exercise the other powers contained in section 64 hereof.

3. The tracks of the said railway and all the works necessary for constructing and laying the same shall be built in a substantial manner and according to the best modern practice, under the supervision of the city engineer for the time being, and to his satisfaction, and the streets in which any work is done by the company shall, by and at the expense of the company, who shall furnish at their own expense all necessary materials, be left in as good a state of repair and to the satisfaction of said engineer when the rails are laid and other necessary work of the company is done as they were at the time they were broken up, opened or interfered with by the company, and the said engineer shall be the judge as to the best modern practice and his decision in the premises shall be binding on the corporation and the company.

4. The said railway shall be the gauge of four feet eight and one-half inches, and the rails shall be what are known as "T" rails, to weigh not less than 55 pounds per yard, and shall be laid, kept and maintained flush with the said streets, and in such a manner as shall least obstruct the free and ordinary use of the streets and the passage of vehicles and carriages over the same. Whenever it shall be deemed expedient and necessary by the corporation or the council thereof, under the provisions of the local improvement clauses of *The Consolidated Municipal Act, 1892*, or under any other act or authority, after the expiration of ten years from the date hereof, to pave or to re-pave any streets or portions of a street upon or along which the railway tracks of the company or any of them, are or shall be laid, with permanent pavement with concrete foundation the company shall replace their "T" rail, if desired to do so by the corporation, and the company shall relay such streets or portions of streets so paved with grooved girder rails or such other rails as may be agreed upon, and shall place a concrete foundation six inches deep and fifteen inches wide under each rail, or lay ties in lieu thereof, at the option of the corporation.

5. The tracks of the said railway shall be laid either in and along the centre of the street or in such other position or location in the street as the city engineer may determine.

6. The tracks shall conform to the grades of the several streets upon or along which the same shall be laid, and as the same are now or shall hereafter be established, or such other grade as the said engineer shall direct and shall not in any other way alter or change the same or vary therefrom.

7. Whenever in this agreement the words "track allowances" are used the same shall mean all the roadway between the rails where single tracks are or shall be laid, and where double tracks, Y's, turn-outs switches or side tracks are or shall be laid the words "track allowances" shall mean the whole space between the rails of the double tracks, switches, Y's, turn-outs and where loops are or shall be laid, the said words shall mean the roadway between the rails.

8. If the grade given by the engineer conforms to the existing surface or is above the same, the company shall at their own expense make up the track

track allowances to the required height, and put the same in good condition under the direction and to the satisfaction of the said engineer, and if the grade so given be below the existing surface the company shall, at their own expense, lower the track allowances in such a manner as the engineer shall direct, so that the said street may be kept in a fit and proper state and fit for public travel, and to the satisfaction of the said engineer. The company shall in restoring the streets use similar material to that of which the roadway is composed, except in the case of streets where the surface of the roadway is earth, block pavement or dirt, when good gravel ballast to a depth of four inches must be placed on the track allowances by, and at the expense of the company, to be thoroughly rolled and compacted to the satisfaction of the said engineer, removing all rough stone and dirt, and the company shall roll and make the surface firm and compact.

9. All the work and material to be done and supplied by the company in order to comply with the provisions of Section 8 shall be done and supplied under the supervision and to the satisfaction of the city engineer.

10. The track allowances shall be made to conform to the material now on the roadway on each side thereof by and at the expense of the company when and as their system is being changed or made under the provisions of this agreement, and when as their rails are being laid or re-laid, and the track allowances shall be kept and maintained by the company during the continuance of this agreement or of the extension of the company's rights thereunder, level with the rails and free from ruts, hollows, depressions or defects of any description, and in thorough repair to the engineer's satisfaction, or renewed from time to time by the company at the company's expense, all the materials to be furnished by the company, and to be satisfactory to the engineer, and all the said work to be done to the satisfaction of the engineer and when required by him.

11. While the rails are being laid or any of the works of the company are in course of construction or repair, the company shall cause a free passage to be kept open for carriages and vehicles, and all surplus earth shall be either removed or spread over the street from which the same shall be taken as shall be directed by the engineer.

12. The company shall construct and maintain in good repair crossings (similar to those for the time being in use by the corporation) of the streets at the intersection of each railway track with any street, which the same shall cross, to the extent of the track allowances, materials to be furnished by the company.

13. Whenever the company break up, open or interfere with any street he same shall be restored by the company at their own expense to its previous condition and with all practical speed.

14. The excavation in the streets is to be made as directed by the city engineer who will mark the centre line of the railway with stakes. This excavation will average about one foot in depth, but the company shall do all excavating to the depth of less or more than one foot which may be necessary to bring the top of the rail to the required grade. The company shall be responsible for the work while in progress and shall lay the track with as little obstruction to the traffic in the street as possible, and the engineer shall have power to limit the length of the street to be opened up to 1,000 feet. All open excavations shall be protected by guards during the day and lanterns at night. The company shall be responsible for, and shall indemnify and save harmless the corporation from all damages that may be caused or that may arise during the construction of the said railway by any act, default or neglect of the company, its officers, servants, workmen and contractors.

15. The ties are to be of good sound cedar, unless otherwise specified, not less than seven feet in length, and six inches face if a hewn tie, and seven inches face if a sawn tie. They are to be placed in the excavation



two feet two inches apart from the centres. On all curves ties are to be of either tamarack, hemlock or white oak of first-class quality, and to be placed at two feet centres. The largest ties are to be selected for joining ties.

16. The rails on the streets are to be new steel "T" rails weighing not less than fifty-five pounds per yard or perfect second hand rails of the same weight if passed by the city engineer, and to be placed on the ties, spiked and made perfectly in line. Guard rails shall be placed on all curves of not less than five hundred feet radius, and also a guard rail shall be placed opposite the frogs, switches and turn-outs and spiked to the ties. The flange of the guard rail being notched to allow it to fit close to the main line rail. The guard rails shall also be bolted to the main line rails, the bolts being placed about seven feet apart. Frogs and switches shall be placed in the line as agreed upon with the city council. All joints of rails must have four bolts with nuts well tightened. Fish plates to fit the web of the rail with a flange to extend over the flange of the rail.

17. The rails are to be bonded at every joint and cross bonded every ninety feet with 4 O. B. & S. tinned copper wire. The bonding wires are to be riveted in the holes bored through the web of the rail. The cross bonding wires are to be soldered to the bonding wires at the joints.

18. After the track is laid and spiked to the ties it is to be levelled up and well lined and the ties to be tamped to a good firm bearing. The best quality of gravel shall be used for tamping and filling in between ties. This gravel must be well rammed in so that the whole will be perfectly solid. Along St. Catherine, Talbot and William streets creek gravel or broken stone is to be used to fill up between the rails and form a proper grade,—this is to be well watered and rolled in layers and when finished to present a smooth surface having a crown in the centre of the track one inch above the top of the rail. On the outside of the rails on these streets above mentioned to the end of the ties to be similarly filled in with creek gravel or broken stone and made flush with the top of the rail on completion; on all other streets that are either gravel or macadam, the material is to be carefully taken out and after the ties have been laid and well tamped in as above specified with gravel, this material is to be replaced and the road left in as good a condition as before the rails were laid. Any extra material that will be required to do this work must be of the same kind and description as is now used on the street. On those streets that are not gravel or macadam the track is to be laid and the ties tamped in as above described, and the whole ballasted with either creek or other suitable gravel to be well watered and rolled, leaving a crown of one inch, and to extend on either side of the rail to the end of the ties. After this work is done the surplus material must be removed off the streets and deposited as will be directed by the city engineer.

19. The grading of the subways of First avenue and Pleasant street is to be done by the company under the direction of the city engineer who will establish the grades of the street. The company must construct tile drains from these subways so as to remove all water, but the company may connect such tile drains with the city sewers, under the direction and supervision of the city engineer. Where any excavation is made to form these subways the road must be afterwards gravelled by the company and made in a good shape for public travel.

20. Cedar poles, twenty-eight feet long and not less than six and one half inches in diameter at the small end, are to be placed along the line of the streets to carry the necessary trolley wires. These poles are to be sound and straight, to be peeled and painted, and set up on the streets as will be directed by the city engineer. The trolley wire used to be 2 d. B. & S. hard drawn copper wire for one half the length, and the remainder to be O. B. & S. hard drawn copper wire supported by means of automatic clips and leibite insulation. Insulator holders to be of malleable

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iron, and span wire to be 5-16 galvanized semaphore cable. Span wire to be attached to the poles by means of adjustable eye bolts having a strain insulator inserted between the span wire and the eye bolts. All curves and trolley wire to be supported by means of curve insulator holders and soldered ears in place of the automatic clips. Trolley wires to be anchored by means of special anchor ears and strain insulators every half mile.

The turn-outs and switches to be constructed in the most approved manner.

21. The company is to furnish and place in a building suitable for the purpose, two one hundred Kilowatt Generators with a rated capacity of 100 K. at 500 volts when running at a normal speed of 650 revolutions per minute. These generators are to be of the latest and most modern construction, and to be placed on suitable foundations in a building prepared for the purpose, within the limits of the city.

22. The company is to furnish and place in the building suitable for the purpose, and on good foundations, two 150 horse power, new, modern constructed engines to be approved by the city engineer, to be properly set in place and attached to the generators and connected with the boilers with all necessary connections so as the whole may be operated in the best manner.

23. The company is to furnish a suitable car-shed within the city limits for the storing of the cars, with proper pits constructed between the tracks in said sheds for the removal and repairing of the car trucks.

24. The company is to provide eight cars, six of these cars are to be closed with vestibules, and are to be of a length of twenty-one feet between ends of platforms, to have side seats or cross seats as may be approved by the city council, with proper electric car heaters and fenders. Two of the cars to be open with cross slatseats and a seating capacity of fifty each. Each car to equipped with two twenty horse power motors and controllers, and a complete standard car equipment, consisting of a trolley pole and base, main and motor cut out, main motor switch, lightning arrester, controller, cabling and two lighting circuits of five lamps each. These cars to be of the latest design used on the roads in the Province, and the company shall also provide one first-class snow plow.

25. In constructing and laying their railway across Wilson's Bridge, the company shall at their own expense, do all the work and furnish all material (including stringers and planking) required for the laying of their tracks, and shall make the bridge ready for the laying of the tracks upon it, and shall leave the planking of the bridge, both inside and outside of their rail fit and safe for public travel, and all work and construction done by the company upon said bridge shall be done to the satisfaction of the city engineer, but any strengthening of the bridge required shall be done by the corporation.

25a. In crossing Wilson's Bridge or any other bridge of the corporation, the speed of the cars shall be regulated so as not to exceed four miles per hour, and in case a funeral procession is crossing or is approaching a bridge, crossed by the railway, the cars of the company shall be brought to a full stop at the end of the bridge, and shall remain stationary until such funeral procession shall have crossed the bridge.

26. In case at any time or times hereafter, the corporation find it necessary to re-build Wilson's Bridge or any other bridge of the corporation, crossed by the railway, such re-building shall be done without any interruption or delay, and shall be completed as quickly as possible, but the company shall not have the right to claim from the corporation any loss or damage sustained by them by reason of their inability to run their cars over said bridge or by the reason of the re-building or re-construction of the same.

26a. The corporation are to have the privilege of making arrangements with the telephone or electric light companies for fastening the trolley wires to the poles of such other companies, although the same may not be twenty-eight feet in height, but no wire shall be placed so as to be less than twenty-two feet above the surface of the street, and in the agreement with such telephone or electric light companies, the company shall provide that in case the railway comes into possession or control of the corporation, the corporation shall have the right to use the poles of such telephone or electric light company for carrying the trolley wires.

26b. In all cases in which the railway (including the connection to a park) shall be built along a road allowance which is the dividing line between the city and township, the portion of the railway constructed along such road allowance shall be considered part of the city system and shall be included in the mortgage mentioned in section 84 hereof.

27. Every contract or lease made by the company for power to run the said railway, shall contain a clause providing that the said contract or lease shall be assigned to the corporation on demand for the unexpired term thereof and the corporation shall be entitled to all the rights of the company thereunder, in case the corporation should require such assignment on the railway coming into the possession or control of the corporation, and every such lease shall be approved of by the city solicitor.

The company shall make good to the corporation all loss, damage costs, charges and expenses which the corporation may incur or be put to by reason of any failure of the company to conform to the provisions of section 25 or any delay on the company's part in so doing.

28. The corporation, the council of the corporation of the city of St. Thomas, the Water Commissioners of the city and their representatives, officers, servants and contractors shall have the right to take up the streets and remove the company's tracks therefrom and from the bridges of the corporation, traversed by the said railway either for the purpose of altering grades thereof, constructing or repairing bridges, drains, sewers or culverts, or laying down or repairing gas or water pipes, or for any other purpose, for the time being, within the powers, privileges, duties or obligations of the corporation, without being liable to the company for any damages that may thereby be occasioned to the said railway or the works connected therewith, but the corporation shall replace the same as soon as practicable and the corporation shall not be liable to the company for any damage the company may sustain from the breakage, leakage or stoppage of sewer or water pipes, or from the exercise by the corporation of any of their powers.

29. In case the company shall fail to do to the satisfaction of the said engineer any work or thing which by the terms of this agreement heretofore or hereinafter contained, they are, to do, or in case the company shall fail to keep in proper and sufficient state of repair, the several tracks of the said railway, or those portions of the streets which it is herein provided that the company shall be bound to keep in repair, or the said crossings, the said engineer may give written notice to the company (which may be served by leaving the same at the office of the company at the said city of St. Thomas) specifying in general terms the nature of the work or things which the company has failed to do, or the approximate locality of any such want of repair, and if the company shall not within seven days thereafter have done such work or thing or put in proper repair such track, street or crossing to the satisfaction of the said engineer, then such work or thing may be done, and such repairs may be made by the corporation or the council thereof at the expense of the company, and the amount so expended may be recovered from the company in any court of competent jurisdiction. And in case of the failure of the company to pay the same for the period of six months after the recovery of a judgment for any amount, all rights and privileges hereby or by any agreement or by-law of the corporation heretofore or hereafter granted to

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the company shall cease, determine and be at an end, and in that event the corporation may exercise the other powers contained in section 64 hereof. Provided that such delay shall not relieve the company in any case, from their liability under the provisions of this agreement to indemnify the corporation against any loss or damage arising from the default or neglect of the company to do the work or thing, or make the repair in respect of which such notice shall be given.

30. No part of the said railway shall be opened or put in operation until the said engineer shall have given his certificate in writing that such is in good condition, and has been constructed in all respects conformably to the provisions of this agreement.

31. During the construction or repair of the said railway or any work in connection therewith, due and proper care shall be taken to leave sufficient space and crossings so that the traffic of the said street shall not be unnecessarily impeded, and so that the water-courses of the street shall be left free and unobstructed and lights, barriers or watchmen shall be provided and kept by the company when and where the same shall be necessary or shall be required by the said engineer to prevent accidents or injury.

32. Before breaking up, opening or interfering with any part of the said streets for the purpose of constructing or re-constructing the said railway or any part thereof, the company shall give the said engineer for the time being ten days notice in writing of their intention to do so, and no more than 1,000 lineal feet of the said street shall, without the authority of the city engineer first obtained, be broken up, or opened or interfered with at any time, and when the work thereon shall have been commenced, the same shall be proceeded with without intermission or delay and as rapidly as the same can be carried on, with due regard to the proper and efficient construction as the case may be of the same.

33. Before commencing any work of alteration, or any repair, the company shall give to the said engineer notice of their intention to do so, and no more than 100 lineal feet of the said street shall, without his authority in writing, be broken up, or opened at any one time or place, and when the work of such alteration or repair shall have been commenced, the same shall be proceeded with without intermission, and as rapidly as the same can be carried on with due regard to their proper alteration or repair, under the supervision of the city engineer.

34. The company shall construct, maintain and operate their system without causing any injury to, or interference with by electrolysis or otherwise any system of waterworks, telegraph, telephone, electric light, gas, fire alarm or other service now or hereafter having the use of, or being operated in, upon or under any of the streets of the said city of St. Thomas, and shall be liable for all damages arising from or by reason of the construction, maintenance or operation of their railway system, and shall from time to time adopt and use the best modern means satisfactory to the said engineer to prevent any interference as aforesaid, and should the company fail to adopt and use such means, the corporation may adopt and use the same and charge the costs thereof to the company, who shall pay the same to the corporation on demand.

35. It shall be lawful for all and every person whomsoever to travel upon and use the said tracks except for street railway purposes, with horses, carriages and vehicles loaded or not, when and so often as they may please, so that they do not unnecessarily impede or interfere with the cars of the company running thereon.

36. The company shall indemnify and save harmless the corporation at all times from all loss, damage, costs, charges and expenses of every nature and kind whatsoever, which the corporation may incur, be put to, or have to pay by reason of the exercise by the company of their powers or any of them, or by reason of neglect by the company in the execution of their works, or any of them, or by reason of the improper or imperfect execution



execution of their works, or any of them, or by reason of the said works becoming unsafe or out of repair, or by reason of the neglect or failure of the company to remove any ice or snow which it is their duty to remove under the provisions of this agreement, or by reason of the neglect, failure or omission of the company to do or permit any thing herein agreed to be done or permitted or by reason of any act, default or omission of the company, or otherwise howsoever, and should the corporation incur, pay or be put to any such loss, damage, costs, charges or expenses the company shall forthwith upon demand, repay the same to the corporation.

37. The company shall, by the use of guard wires or other sufficient means, protect all the city fire alarm wires and all telegraph, electric light, telephone and other wires from contact with the electric wires which may be used by the company for the working of their railway. The said engineer shall be judge as to the sufficiency of the means from time to time to be adopted for the purposes aforesaid, and his decision shall be binding on the corporation and the company.

38. If the company shall at any time permit any portion of the roadway which is to be kept in repair by the company to become out of repair or in such condition as in the opinion of the said engineer it ought not (having regard to the terms of this agreement) to be, the said engineer may give the company written notice which may be served by leaving the same at the office of the company, in the said city of St. Thomas, or by mailing the same by registered letter addressed to the company at the said city of St. Thomas, specifying in general terms the approximate locality so by him considered to be out of repair or in such condition, and if the same shall not have been, within seven days thereafter, put in proper repair and condition by the company to the satisfaction of the said engineer, then the company shall not, if so required by the corporation, operate such part of their railway so reported to be out of repair or not in such proper condition until the said engineer shall have certified that all necessary repairs and changes have been made to his satisfaction. Provided, that such delay shall not relieve the company in any case from their liability under the provisions of this agreement to indemnify the corporation against loss or damage arising from the default or neglect of the company to do the work or thing or make the repairs in respect of which such notice shall be given.

39. The company shall establish and lay down new lines and extend the tracks and street car service on such streets or parts thereof, as may from time to time be directed by the council of the corporation within such periods (not being earlier than two years from the passing of the by-law or by-laws respectively) as may from time to time be fixed by any by-law or by-laws passed by an affirmative vote of two-thirds of the members of the council of the corporation, and all such extensions and new lines shall be regulated by the same terms and conditions as are in this agreement contained and the right to operate the same shall terminate at the expiration of the term limited by this agreement, with respect to existing system. Provided that no such new line or extension shall render the proportion of additional track mileage to population, more than one mile of track, exclusive of side tracks, switches, turnouts and Y's, to every two thousand inhabitants of the city as now existing or hereafter extended in excess of population of 12,000 and the new line of extension shall be of single or double track according as the portion of the track to which it is to be added or connected is a single or double track. Each mile of double track shall be reckoned as two miles of single track, but the side tracks, turnouts, switches, Y's and loops shall not be included in any such reckoning, and for the purpose of this agreement, except where otherwise provided, the population as ascertained by the last Dominion or municipal census which ever shall be the latest shall be deemed the actual population, but the company shall not be compelled to construct any extension or new line during the last five years of their franchise.

40. In case the company fail to establish and lay down any new line as aforesaid and to open the same for traffic, or to extend, or to maintain  
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such tracks and services on any street or parts thereof within the period as may be fixed as aforesaid, the corporation by resolution of the council thereof may declare that the company has forfeited all privileges which it may have acquired by this agreement or any by-law heretofore or hereafter passed or by any agreement with the corporation heretofore or hereafter made, and may repeal the by-laws connected therewith, and the said privileges and rights shall be forfeited accordingly and the said agreement rescinded and in such case the corporation shall have the right to require all obstructions and materials placed in said streets by the company under any agreement to be removed therefrom, and the said streets to be put in as good condition and repair as they were before the said materials and obstructions were placed thereon, and the expense thereof shall be paid to the corporation by the company, or the corporation shall also have the right to run the said railway and to grant the same rights and privileges to any other company free from all charges or liabilities of damage on account thereof. No new lines or extensions of existing lines shall be opened for traffic until the company shall have obtained a certificate in writing from the said engineer that the same have been constructed to his satisfaction and in accordance with the terms of this agreement.

41. The company in changing their system of operating their railway as provided for by this agreement, and in maintaining and operating their railway, will so far as is practicable so to do, employ residents of the city of St. Thomas.

42. No more switches, side tracks and turn-outs than are necessary shall be laid, and not more than one of any or either kind in a distance of fifteen hundred lineal feet (except at curves on lines where the track changes its direction from one street to another, at which places the company may lay double tracks or switches around such curves under the direction and to the satisfaction of the city engineer) without the consent in writing of the said engineer and not more than two on Talbot street, without the consent of the corporation and any rails, curves, switches, side tracks, turn-outs or any portion of the tracks or works not satisfactory to the said engineer shall be forthwith made satisfactory to him or removed by the company at their own expense, and the street on which the same shall have been laid, restored to its original condition, provided however, that no switch shall be placed or located without the consent of the council.

43. The location of the lines of the said railway on the said street and the position of the rails, switches, turn-outs and other works thereon shall be shown upon plans with the figured dimensions showing the distance of all their works from the side lines of the streets, which shall be submitted to the said engineer and the council of the corporation, and none of the said works shall be commenced until the said plans have been submitted to, and approved of by the council of the corporation and the said engineer.

44. The points, switches and appliances to be used by the company in the construction of the track, the radius of all curves and the position, location and extent of the switches side tracks, curves, loops, Y's, turn tables and turn-outs, to the extent of 300 feet, shall be subject to the approval of the said engineer, but the said engineer shall not limit the length of any switch or side track, if, and where such side track and switch is allowed by him to be constructed to be less than 200 feet over all from outside points, but no switch, side-track or turn-out of a greater length than 300 feet shall be constructed without the consent of the council.

45. No new lines, or extensions or additional track shall be built by the company on any of the streets of the said city of St. Thomas, except under the authority obtained by by-law of the council of the corporation.

46. The company shall not in any case connect any of their wires with the water pipes or service pipes, or with any of the appliances in connection

tion therewith, without the consent in writing of the corporation, and the company shall and will at their own expense, remove any such connection, whether made with such consent or not when required to do so by the corporation, and shall and will make good to the corporation all loss, injury, damage and expense that the corporation may have incurred or may be put to, or incur by reason of the said connection having been made, whether made with consent or not.

47. The motive power to be used shall be electricity, compressed air or such power as may be approved of by the corporation, unless in case of accident or necessity, and then only under the written permission of the said engineer, when horses may be used for the time permitted by the said engineer.

48. Nothing herein contained shall entitle the company to run their cars or operate their railway on Sundays, and the company shall not run or permit any cars to be run on their railway or any portion thereof on any Sunday unless by vote of the citizens.

49. The poles to be used for the company's wires shall be of wood of 6½ inches in diameter at the top, except where the company shall, with the consent of the city council, and while they are so permitted to use the poles of any telegraph or telephone company or electric light company, and all poles to be used by the railway company shall be straight and perpendicular and as nearly as possible of a similar shape and shall be dressed throughout, and all poles shall be painted and shall be placed on the sides of the streets, unless otherwise directed by the engineer, and all poles of the company shall be placed in such a manner as to obstruct as little as possible the use of the streets for other purposes, and they shall be placed and located under the direction and supervision of the said engineer and to his satisfaction, and the poles shall be kept in repair and painted as aforesaid to the satisfaction of the said engineer, and all earth and refuse placed upon the streets or any part thereof in digging the post holes and erecting the poles, shall be immediately removed by the company and in default thereof, the same may be removed by the said engineer at the expense of the company, and the cost of such removal shall be paid by the company to the corporation on demand.

50. In case any pole shall be placed or erected otherwise than in accordance with the provisions of this section, or shall not be kept in repair or re-painted as aforesaid, the said engineer or the corporation may require it to be immediately removed and replaced by a proper one, or repair it or re-paint it as the case may require at the expense of the company, but the said engineer or the corporation shall not exercise the right by this section conferred with respect to re-painting the poles or any of them, until thirty days notice in writing has been given by the said engineer to the company at the city of St. Thomas, or by mailing the same by registered letter addressed to the company at the said city, requiring the said company to re-paint the said pole or poles, nor if the company within the said thirty days re-paint the said pole or poles to the satisfaction of the said engineer.

51. Where in case of fire, the chief of the fire department or person in charge of the fire brigade, or portion thereof engaged, shall deem it necessary, he shall have the right to cut or pull down any wires of the company, which, in his judgment obstruct the operations of the firemen, or direct that they shall be cut or pulled down and to direct that the electric current shall be immediately stopped and also to require the company to stop running their cars to or near the building or buildings which may be on fire, and the corporation shall not be liable for any loss or damage caused thereby.

52. The company may under the direction and to the satisfaction of the said engineer, lay such curves, switches, loops, Y's and turn-outs as the said engineer shall deem necessary for the purpose of connecting their operating track with their power house, car barns, storage sheds, yards or repair shops.

53. All work shops, principal repair shops and car sheds of the company shall be continued during the continuance of this by-law or the extension of the company's rights thereunder in the city of St. Thomas.

54. In the event of any person or persons or company proposing to construct a railway or railways on any street of the said city of St. Thomas other than the streets and portion of streets mentioned in section 77 of this Agreement, the matter and substance of the proposal shall be notified to the company, and the option of constructing such proposed railway or railways on the conditions contained in this agreement or the conditions contained in such proposal as the corporation may elect, shall be offered to the company, but if such option shall not be accepted by the company within ninety days after such notification or if the same having been accepted, the company shall not proceed with the necessary work and complete the same within the time by the corporation fixed for that purpose, then the corporation may grant the privileges to any other person, persons or company, and the corporation and its grantees shall be entitled to cross the railways of the company by other railways traversing other streets, provided always that nothing herein contained shall be taken to bind the corporation to grant to the company or anyone else the right to construct a railway or railways upon any streets other than herein specified.

55. The company shall place and continue on the said railway new improved, modern passenger motor cars, of which there shall be not less than eight at the commencement of its operations, the company for this purpose to have the right to build loops, Y's or turntable at the end of each route, and all cars, whether motor cars or not, used by the company shall contain all modern improvements for the convenience and comfort of passengers, including lighting and heating, and shall be lighted and heated at such hours, and for such period of the year as the said council may from time to time require, and to their satisfaction, and the platforms shall be provided with gates or bars, and each car shall be supplied and maintained with fenders of the most improved design for the safety of the public and with vestibules for the motormen, all such gates, bars, fenders, and vestibules for the motormen to be satisfactory to the said engineer, and the service on each line or part of line shall not be less than one car or train of cars every thirty minutes between 6.30 and 11 o'clock, and the speed shall be determined by the City Council. The said cars shall be kept clean inside and out, and the company shall improve their cars from time to time, in accordance with the improvements in use on the best equipped lines.

56. The company shall, if required to do so by the corporation, receive and forward with all diligence and despatch, free of charge except as hereinafter provided, the passenger, mail, express, freight and baggage cars and the passengers and goods thereon, of all radial or other electric railways which may during the continuance of this agreement or the right of the company thereunder, desire the company to do so, over the tracks of the company from the city limits to the centre of the city, or other place or places within the city, as the said radial or other electric company or companies may have their station or stations, and if and when desired, back again to said city limits, to the same point or any other point on the line of the company's railway, and when the company's tracks and trolley wires do not extend to the city limits, at the point or points where the radial or other electric railway company or companies desire to enter, and if the company refuses or neglects, within thirty days after having been notified, to agree to make such an extension, or if the company shall not proceed with the necessary work and complete the same within the time specified by the council of the corporation for that purpose, the said radial or other electric railway company or companies shall have the right if permitted to do so by by law of the corporation but not otherwise, to enter upon the said streets, and make, construct, maintain and operate an electric railway upon the said streets, and make, construct, maintain and operate an electric railway between the said electric railway company's line and the tracks



of the company, and subject to the provisions and conditions of such by-law. The company to have charge and control of all cars while the same are passing along their track, and to furnish motormen and conductors for that purpose. The company to have the right to collect the regular city fares as provided in this agreement, from all passengers on said cars hauled by them as aforesaid, and to take on and let off passengers within the city limits, and all passengers shall be entitled to transfer to any part of the city, from the said radial or other electric railway company's cars to and upon the company's cars or vice versa, upon payment of one city fare to the company. The intent of this provision being that every passenger shall be entitled to be carried from any point therein, whether upon the company's cars or radial or other electric railway company's cars upon payment for the entire trip of one fare. The compensation to be paid for hauling mail, express, baggage and freight to be in case the parties differ about the same, determined by arbitration in the same manner as provided in section 86 hereof, but in determining the said price to be paid, the said arbitrators shall not take into consideration the franchise of the said company but shall fix a reasonable compensation therefor, having regard only to the operating expenses of the said road. Provided always that it shall not be necessary for any such radial or other electric company to wait until such compensation has been fixed as aforesaid, before exercising the rights to which they are to be entitled under this section, out in the event of such rights being exercised before the said compensation shall be fixed as aforesaid, the rate fixed by the award of the said arbitrators shall govern from the time they shall commence to exercise the said rights, to the time of making the said award, and such company or companies shall pay to the company the amount so fixed by the said arbitrators for the said period.

57. In case the company refuses or neglects to carry out any of the provisions of section 56 to the satisfaction of the corporation or the said radial or other electric railway company or companies, the matter in dispute and the damages if any sustained thereby, shall be determined by arbitration in the same manner as provided in section 86 hereof, and the corporation, the company, or any of the radial electric railway companies shall be entitled to enforce the said award. In case of an arbitration between the company and any other person or company, under the provisions of this section the arbitrator to be appointed in behalf of such company or person, shall be appointed by such company or person and not by the corporation.

58. The following rules and regulations in regard to the working of the railway shall be observed by the company and officers and servants thereof :—

(a) The cars to be used on the said railway shall be propelled by electricity or compressed air as the motive power, and smoking will be allowed on the rear platform of open cars and in three rear seats thereof.

(b) The council of the corporation may require that the cars used shall commence running as early as 6.30 o'clock in the forenoon of each day of the year, and that they shall continue to run for 16½ hours thereafter, but the company may at their own expense and option run their cars for more than 17 hours each day.

(c) The company shall use only passenger cars, mail cars, freight and express cars for the construction of the company's railroad whilst the same is being constructed, cars for hauling gravel for the corporation or for the maintenance of the company's railroad cars for street watering, snow cars, for the purpose mentioned in this agreement, and such other cars as the council of the corporation may from time by by-law permit, and all cars of every kind and description used by the company shall be used and run under and subject to such regulations as the council of the corporation may from time to time by by-law prescribe.



(d) The company may charge and collect from every person on entering any of their cars for a continuous journey of any distance on their railway, from any point thereof to any other point on a main or branch line within the limits of the city of St. Thomas as now existing or hereafter extended, a sum not exceeding the sum of five cents, except for children under five years of age accompanied by a parent or other person having them in charge, such children to travel free, and shall sell tickets to entitle the holder to one continuous journey on the cars as aforesaid, between the hours when the cars commence running and 11 o'clock p.m. at six tickets for 25 cents, and shall also sell another class of tickets at 25 cents for eight tickets, the same to entitle the holder to one continuous journey on the cars as aforesaid between the hours of 6 and 8 a.m., and between the hours of 5 and 6.30 p.m.; and shall also carry children between the ages of 5 and 12 years for a cash fare of 3 cents, and shall sell two children's tickets for children between the age of 5 and 12 years at the price of 5 cents, and shall also carry free of charge all police constables in uniform, and chief of police, and all city firemen in uniform or wearing badges when going to or returning from a fire, and the sanitary inspector, and the company shall grant transfers without any additional charge for both adults and children, from any point on their lines to any other point thereof within the city limits as now existing or hereafter extended for a continuous trip, which is not a return trip, and shall from time to time make proper and sufficient arrangements to the satisfaction of the city council for the purpose of such transfers. The fares set out in this section shall not apply to chartered or private cars.

(e) Cars running in the same direction or in opposite directions on the same track shall not approach each other within a distance of sixty feet except in cases of accident or when it may be necessary to connect them together, or at station and turnouts, and the rate of speed of all cars shall be from time to time subject to the direction of the said council of the corporation and the rate of speed may vary on different points of the lines subject to an appeal as herein contained.

(f) While the cars are turning the corners of streets they shall not run at a rate of more than three miles per hour.

(g) No car shall be allowed to stop on or over any crossing or in front of any intersecting street, except to avoid collision or prevent danger to persons on the street, or for other unavoidable reasons, and no car shall be left or remain standing in the street at any time, unless waiting for passengers, except with consent of the council.

(h) Careful, sober and civil agents, conductors and officers shall at all times be employed to take charge of the cars on the said railway.

(i) It shall be the duty of the motormen in charge of the cars while on the road to keep vigilant watch for all teams, carriages and persons on foot (especially children), either upon the track or moving towards it, and to stop the car in the shortest time and space possible on the slightest appearance of danger.

(j) The conductors shall announce to passengers the names of streets and public squares as the cars approach them.

(k) The conductors or motormen shall bring the cars to a stop when passengers request to get on or off the cars at any street intersections and such other places as may from time to time be designated by the council, provided that two stopping places are not designated within a distance of 400 feet.

(l) The conductors or motormen shall not allow any women or children, or aged or infirm person to enter or leave the cars while in motion, and no passenger shall be allowed to enter or leave the cars on the left side looking forward of the cars on double tracks.

(m) The cars after sunset shall be provided with colored lights of a different color for each route and direction, and a bright headlight on every motor car, and every motor car shall have a gong attached to it, which shall be kept ringing at all times when approaching a crossing or when necessary to give warning.

(n)

(n) The cars shall be entitled to the track, and any horse or vehicle upon the track of the company shall turn out when any car approaches so as to leave the track unobstructed, and any one placing an obstruction on the tracks except as authorized by this agreement, or the driver of any vehicle refusing to turn out, when requested to do so by the motorman of any car, shall be liable to a penalty of not exceeding ten dollars and the costs of prosecution, on conviction before any justice of the peace, and such penalty may be imposed for every day that such obstruction shall continue, but the imposition of any penalty under this agreement shall not relieve the person causing such obstruction from liability from damages or from any other liability or penalty imposed by by-law, but if any person or persons shall have cause to remove any building or heavy substance such person or persons shall be allowed reasonable and sufficient time between the hours of 11 p.m. and 6.30 a.m. to remove, load or unload the same without being liable to the penalty attached to this subsection, provided that any person or persons before removing any building along or across the railway track shall first obtain the consent in writing of the City Engineer to such removal, and shall give a reasonable time to the president, secretary, manager or superintendent of the company, and shall pay the company the cost of cutting their wires and splicing them.

(o) Ten hours shall constitute a working day and no employee of the company shall work in the service of the company for a longer period than 60 hours per week.

(p) Any conductor or other employee of the company who shall request or demand from any passenger more than the fare prescribed by this agreement shall on conviction before any justice of the peace pay a fine of no less than \$5 for each offence.

(q) The company shall keep a sufficient supply of tickets for sale at some place in the business centre of the city convenient for the public, and also upon all their cars in service and they shall sell tickets to all persons desiring to purchase the same at the rates mentioned in subsection "d" of section 58, and each conductor or person in charge of a car shall furnish necessary change to the amount of \$2, but not more when required by a passenger.

(r) The speed and route necessary on each main line, part of line or branch shall be determined from time to time and may be altered by the order of the city council, and all cars shall be run as the said engineer with the approval of the council may from time to time direct, but the council may by vote of two-thirds of the members of the council, change or vary any route or routes adopted or changed from time to time by the company, and the company shall thereafter run their cars according to the routes so changed or varied by the council for at least six consecutive months, and the company shall not make any change in routes more than twice a year. The company shall furnish the council with a written statement of the routes first adopted by the company, within six months from first day of November, 1898, and every change of such routes shall immediately after such change be notified in writing by the company to the council. If the company are not satisfied with the speed, service or routes ordered by the council under this section, the matter in dispute shall be referred to arbitration, one arbitrator to be appointed by the corporation and one by the company, and in case the said arbitrators are unable to agree, then they shall appoint some fit person as third arbitrator and the award of any two of them shall be final and conclusive.

(s) The council shall be at liberty from time to time by by-law or resolution to change the time fixed by sub-section (d) of section 58 hereof, at between 5 p.m and 6.30 p.m, when the holder of the ticket purchased at twenty-five cents for eight tickets, shall be entitled to one continuous journey on the cars as aforesaid, to such other time in the afternoon as the council of the corporation may deem expedient to suit the convenience of the working classes returning from work, provided that the time between which the said tickets may be so used shall not exceed an hour and

and a half at each afternoon, and all tickets issued by the said company for such change and not used at the time of such change shall thereafter be good only for the hour substituted by the council of the corporation as aforesaid, and between the hours of 6.30 a.m. and 8 a.m. In case of a breach on the part of the company, of any of the provisions of the foregoing regulations lettered *b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r* and *s*, the company shall pay to the corporation for every day in which default or breach shall happen as liquidated damages, the sum of ten dollars, and in case such breach of any of the said regulations lettered *d, r* and *s*, shall continue for ten days, after notice in writing forbidding it, shall have been given by the corporation to the company, the corporation may put an end to the powers conferred on the company by this agreement or any other agreement or by-law heretofore or hereafter passed or made, and in that event the corporation may exercise the other powers contained in section 64 hereof.

59. It is hereby reserved to the Council of the corporation to make and the Council shall have the right to make such further rules, regulations, orders and By-laws in relation to the repairs and operations of the said railway as from time to time may be deemed necessary to protect the interests of the corporation or to provide for the safety, welfare or accommodation of the public, but no alteration in the rules or regulations shall be made which shall have the effect of impairing the substantial rights of the company under this agreement.

60. The company shall cause to be painted in large plain letters, on a conspicuous place on the outside of each car, the number thereof, and the name of the route or street along or upon which the car is to be run, so that such name and number may be readily seen and read by day or night.

61. The company shall from time to time adopt and use all the most improved safeguards against and means of preventing accidents and injury by the working and running of their railway, and the same shall be from time to time subject to the approval and direction of the said engineer.

62. All rights hereby granted are so granted subject to any existing rights, statutory or otherwise, which are now possessed by any gas, telegraph, telephone, electric light or other company in or in respect of the streets and highways of the said city.

63. Should the company at any time cease to regularly use for the purpose of their railway for a period of five months the poles, wires or overhead appliances and construction, which shall be placed by the company on the streets, the council of the corporation may give written notice to the company, which may be served by leaving the same at the office of the company, in the said city of St. Thomas, or by mailing the same by registered letter addressed to the company, at the said city of St. Thomas, directing the company to remove the said poles and wires and overhead appliances and construction, and if the company shall not within one month after the service of such notice, at their own expense remove such poles, wires and overhead appliances and construction, and put the streets in proper repair, and to the satisfaction of the said engineer, the corporation may do so and charge the expense thereof to the company, who shall pay the same to the corporation on demand.

64. In event of the company failing to construct the said railway or to alter or change the whole of their system as hereinbefore provided, or to construct and complete the same in a substantial manner in conformity with the provisions of this agreement or in event of the company failing or neglecting for the space of sixty days computed as hereinbefore mentioned (accident by fire or tempest excepted) to maintain and operate the said railway, in substantial conformity, with the provisions of this agreement, whether consecutive or not in any year (in reckoning the said sixty days parts of days shall be counted and seventeen working hours, whether consecutive or not, shall be counted as one day), the corporation by resolution



resolution of the council thereof, may declare that all the privileges and rights which the company may have acquired by this or any other agreement heretofore or hereafter passed are at an end, and may repeal the by-law connected therewith, and the said privileges and rights shall thereupon cease and be at an end accordingly, and the said agreements recinded, and in such case the corporation shall have the right to require all obstruction and materials placed on the said streets by the company, under any such by-law or agreement to be removed therefrom and the said streets to be put in as good condition and repair as they were before the said materials and obstructions were placed therein, and the expense thereof shall be paid to the corporation by the company, or the corporation shall have the right to run the said railway and to grant the same rights and privileges to any other company free from all liability for damages on account thereof.

65. The corporation will join with the company in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying this agreement, and declaring the same to be valid and binding upon the parties hereto, all expenses in connection with the procuring of such legislation to be paid and borne by the company, and provided that the Act of the Legislature so confirming and ratifying the said agreement shall contain as a section thereof the words following, or to the like effect, that is to say: If the company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this agreement, in which the residents of the municipality, or the corporation, or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation may bring an action in the High Court of Justice against the company, and all other necessary parties, to compel the keeping, observing, performing of, and complying with such provisions, and the Court shall have full power and jurisdiction in the premises and to enforce, by injunction or otherwise, the due observances, performance and fulfilment by the company and its officers and other persons of all provisions of this agreement in which residents of the municipality, the corporation or any other person or corporation are interested.

66. Whenever the words "city engineer," "city engineer for the time being" or "said engineer" are used in this agreement they shall mean the engineer of the corporation of the city of St. Thomas for the time being or such other officer or person as the corporation may from time to time appoint for the purpose of performing the duties or exercising the powers or discretions or any of them by this agreement devolving or conferred upon the said engineer.

67. There may be an appeal to the council of the corporation with regard to the said engineer's decision as to the best modern practice mentioned in section 3 hereof, and as to the most improved safeguards mentioned in section 61 hereof, as to the best modern practice mentioned in section 27 hereof. Notice of such appeal must be given within five days from the decision appealed from, and such notice shall be served on the opposite party at least two weeks before the meeting of the council and the decision of the Council of the corporation shall be final and conclusive.

68. There may be an appeal with regard to the said engineer's decision in the matters mentioned in sections 34, 37 and 61 hereof. Notice of such appeal must be given to the opposite party within ten days from such decision and such appeal shall be to a board of three arbitrators, each of whom shall be a qualified civil engineer, one of whom shall be appointed by the party appealing and shall be named in their notice of appeal, and the second arbitrator shall be appointed by the opposite party and notice thereof given to the other party within three weeks after the service of of the said notice of appeal, and the third arbitrator shall be appointed by the two arbitrators so appointed as aforesaid, within three weeks from the appointment of the second arbitrator. In the event of the opposite party failing to appoint their arbitrator within three weeks after the service of  
the



the notice of appeal upon them as hereinbefore mentioned, a judge of the High Court of Justice may, on the application of either party, appoint an arbitrator for the party in default, and in default of the appointment of the third arbitrator, as and within the time hereinbefore provided, a Judge of the High Court of Justice may, on the application of either party, appoint such third arbitrator, and the said arbitrators, or a majority of them, shall, without taking any evidence, other than evidence of the said engineer and of one officer of the company if the same be tendered and the arbitrators see fit to receive the same in the matter appealed from, but from their own skill and knowledge make their own award within two months from the time of the appointment of the third arbitrator, and the decision of said arbitrators, or a majority of them, if so made within the said time, shall be final, but if not made within such time the decision of the said engineer shall be final and conclusive and the cost of any such arbitration shall be in the discretion of the arbitrators, or a majority of them, and shall be paid as directed by any such award.

69. The railway company shall not charge the undertaking with bonds or debentures for a longer period than the duration of the franchise.

70. The company shall not extend any line of the said railway beyond the limits of the city, or acquire, own, control or operate any line or lines or connection, in conjunction with, or adjoining a city line or lines forming practically elongations hereof, without first having the plans of the same as to position, elevation and gradient on the highways or crossing of highways, or until an agreement has been entered into whereby such suburban line or lines will be altered at the company's expense to conform to the grades established by the city when the streets or routes became city property or within the city limits approved of in writing by the city engineer and confirmed by the city council.

71. The taxes and all municipal rates of the company (save and except water rates) on its franchise, tracks, and rolling stock and other personal property used in and about the working of the railway, and on the income of the company, and on such real estate of the company as is necessary for the proper working of such railway, shall be commuted at the sum of one dollar per annum during the existence of its franchise.

72. The track allowances as herein specified, whether for a single or double track line, shall be kept free from snow and ice at the expense of the company, so that the cars may be used continuously, but the company shall not sprinkle salt or other material on said track allowances for the purposes of melting snow or ice thereon. Only such implements as are approved of by the city engineer shall be used in the removal of the snow and ice. If the snow on the streets is less than six inches in depth the company may remove the same if necessary for their purposes from the tracks and spaces hereinafter defined and shall, if the city engineer so directs, evenly spread the snow on the adjoining portions of the roadway, but should the quantity of snow and ice, etc., on the track allowances at any point exceed six inches in depth the whole space occupied as track allowances shall, if the city engineer so directs, be at once cleared of snow and ice, and the said material removed and deposited at such points on or off the streets as may be ordered by the city engineer. In event of the company neglecting to remove the snow or ice from the said track allowances as and when directed by the said engineer the same may be removed by the said engineer acting on behalf of corporation, and the costs of such removal shall be paid by the company to the corporation on demand.

3. Every car of the company before crossing the track of any steam or any other electric railway shall come to a complete standstill at a distance of not less than fifty feet therefrom, and the conductor or motorman in charge of the car shall go forward to such steam or electric railway track to see that the said track can be crossed in safety, except where railways have watchmen or interlocking device or gates for the safety of the public.

74. Whenever the gross receipts of the railway shall amount to or exceed \$30,000 annually the said company shall pay to the corporation through the city treasurer on the first Monday of each year five per cent.

of such gross earnings, being the gross receipts from passenger fares freight, express and mail rates, and all other sources of revenue derived from the traffic obtained by the operation of the said railway, until the expiration of their franchise. And the company shall render quarterly (upon the first Monday of April, July, October and January of each and every year) a true and just account and statement in writing of the whole of the gross earnings, and allow proper inspection of all books, accounts, etc., for the purpose of checking such accounts by the city treasurer, city auditors, or other accountant or accountants appointed by the city council. And it is further understood, declared and agreed by and between the said parties that the system of accounts and bookkeeping to be adopted by the company shall be subject to the approval of the city treasurer and the auditors appointed by the city.

75. In event of improvement in transmission of electric power rendering it possible for the company to carry out its contract without the use of poles or other objectionable appliances and not render the enterprise commercially impracticable, the council of the corporation of the city of St. Thomas shall have the power to compel the said company to make such alterations and improvements without compensation to the company, and in case of any disagreement between the council and the company regarding what shall be considered "commercially practicable" the matter in dispute shall be submitted to arbitration as herein provided.

76. In event of installing a system of electric fire alarm the corporation of the city of St. Thomas shall have the right to use the poles of the street railway company without compensation to the company for the placing thereon the necessary wires.

77. The streets referred to in section 1, of this agreement and to which the permission and authority hereby granted by the corporation to the company shall extend are as follows :—

Pleasant street from Talbot street to Centre street.

Centre street from Pleasant street to William street.

William street from Centre street to Wellington street.

Wellington street from Stanley street to Ross street.

Ross street from Wellington street to Forest avenue.

Forest avenue from Ross street to Fourth avenue.

Fourth avenue from Forest avenue to Wellington street.

Wellington street from Fourth avenue to First avenue.

First avenue from Wellington street to Talbot street.

Talbot street from First avenue to Inkerman street.

Inkerman street from Talbot street to Redan street.

Redan street from Inkerman street to Alma street.

Alma street from Redan street to Talbot street.

Talbot street from Alma street to Pleasant street.

Elgin street from Wellington street to Regent street.

Regent street from Elgin street to Wilson avenue.

Wilson avenue from Regent street to the road allowance between the seventh and eighth concessions of Yarmouth.

St. Catharine street from Talbot street to Kains street.

Kains street from St. Catharine street to Station street.

Station street from Kains street to Grand Trunk Railway.

The company further agree to construct their railway over and along such street from Talbot street to Wellington street in the said city upon or along which a subway may be constructed under the Canada Southern Railway tracks, and to have the same in full operation within six months after the completion of the subway.

78. The company shall during the duration of its franchise keep the said railway and its buildings, plant, machinery, appliances and equipments in a good and proper state of repair and shall keep the same efficiently maintained during the said term as an up-to-date railway, and all renewals of the plan, machinery, appliances and equipment shall be of the most modern design and construction, and such maintenance, equipment and such renewals of its plant, machinery appliances and equipment

equipment shall be made to the satisfaction of the city engineer and shall be made and provided whenever the said engineer certifies in writing to the corporation and the company that the same is necessary, and such notice or certificate may be given to the company either by leaving the same at the office of the company in St. Thomas or by mailing the same by registered letter addressed to the company in St. Thomas, and in case the company fails to make repairs or renewals required by the city engineer within six months from the date of the service or mailing of the engineer's notification, then the corporation may exercise the powers contained in section 64 hereof, but if the company are not satisfied with the decision of the said engineer as to any question of renewal they may appeal to the board of arbitrators mentioned in section 68 hereof, and the company shall also have the right to appeal to said board of arbitrators as to the time within which such renewals shall be made.

79. In case the company at any time during the continuance of their franchise purchase or otherwise acquires a park either within or without the limits of the city and in case the corporation becomes possessed of the said railway either by purchase or by any failure or default of the company in carrying out and performing any of the terms of this agreement, or by the exercise by the corporation of any of the powers conferred by this agreement, the company shall on demand transfer and convey or cause to be transferred or conveyed to the corporation the said park and all its appurtenances upon being paid by the corporation the actual cost of such park to the company, and in case such park is situate outside the city limits, the company shall also on demand of the city council transfer, assign and make over to the corporation or to such person or persons as the council of the corporation may by resolution or by-law appoint, such portion of its railway, plant, machinery, equipment, buildings and appliances as are or then shall be situate outside of the city and between the city limits and such park, except such part belonging to the city system, on being paid by the corporation the actual value thereof, at the time of such transfer, and if the corporation and the company cannot agree upon the value, the same shall be referred to arbitration, one arbitrator to be appointed by each party, and in case they cannot agree, the two arbitrators shall choose a third and the decision of any two of them shall be final.

80. The corporation agrees to guarantee the bonds of the said company to the amount of Fifty Thousand dollars, payable in thirty years from the issue thereof, and also the interest thereon at the rate of four per cent. per annum, payable half yearly on the first days of July and January in each year during the said term, and also to pay the first year's interest on the said bonds amounting to two thousand dollars, such guarantee to be given within one month from the ratification of this agreement and the By-law relating hereto by the Legislature of the Province of Ontario, upon the company giving security to the satisfaction of the city council that the company will construct, complete, equip and operate the railway in the manner herein provided and will have it in operation within the time herein limited for its completion and also that the company will make, execute and deliver to the corporation on the completion of the railway, a first mortgage upon the said railway and undertaking, its franchise, privileges, rents, revenues, tolls, income, plant, equipment, assets and all its real and personal property as security and indemnity to the corporation against the payment of the said bonds, and the interest thereon, and as security against the payment of any damages or costs that the corporation may incur, be put to, or have to pay from any of the causes or acts of commission or omission on the part of the company mentioned in section 36 hereof.

81. In case the company makes default in the payment of any of the half-yearly payments of interest upon the bonds so guaranteed by the corporation, or upon any of them, or in any part of such interest, for the space of six months after any of such payments become due and payable, then and in every such case the corporation shall be entitled to move the High Court of Justice, or a Judge thereof, for the appointment of a receiver and to have a receiver appointed to take, collect and receive all  
rents,



rents, tolls, fares and revenues due or accruing due to the said company, or earned or to be earned by the said company, or by the said railway, and shall apply such portion of said rents, tolls, fares and revenues as may remain after payment of the running expenses of said railway during the time such receiver is in possession or control of the railway and of the costs, charges and expenses incurred by the corporation in the appointment of such receiver, and of the compensation allowed the receiver, in payment of the interest then in arrear, and in addition or in the alternative, at the option of the corporation, the corporation may take proceedings to realize upon its security and on the mortgage to be given by the company in the manner provided by such mortgage. And the corporation may also exercise the other powers contained in section 64 hereof.

82. After the said railway has been in operation for four years the company shall set aside and shall deposit in some chartered bank in the city of St. Thomas to the joint credit of the corporation and the company one-half per cent. annually on its bonded indebtedness for six years, beginning with the fifth year of operation, and shall set apart and deposit as aforesaid, annually for the next ensuing five years one per cent. of its bonded indebtedness, and in the succeeding and remaining years of the term of this franchise shall set aside and deposit, as aforesaid, two per cent. of its bonded indebtedness for the payment and redemption of the said bonds at maturity, and such annual deposits shall be made on the first day of July in each of said years, provided, however, that instead of such moneys being deposited as aforesaid they may be invested in such securities as may be agreed upon by the corporation and the company.

83. In case the company fails to make the annual deposit for the purpose of providing for the redemption of the said bonds at maturity, as set forth in the preceding section, for the space of six months after the time fixed for making the same in any year, the corporation shall be entitled to have a receiver appointed in like manner, and for the like purpose, and with the like powers as are mentioned in section 81 hereof, or the corporation may take immediate proceedings under its mortgage to realize upon its security in the manner provided by the said mortgage. And the corporation may also exercise other powers referred to in section 64 hereof.

84. The company shall make, execute and deliver to the corporation a first mortgage upon the railway and undertaking of the company, its franchise, privileges, rents, revenues, tolls, income, plant, equipment, assets, real and personal property at any time acquired, both present and future, for securing and indemnifying the corporation against the payment of the said bonds so guaranteed by the corporation, or any of them, and of the interest thereon, or any portions thereof. And as security also that the company will set apart and deposit in some chartered bank to the joint credit of the corporation and company the annual sums fixed by this agreement to be deposited for the payment and redemption of said bonds at maturity. And as security also that the company will indemnify and save harmless the corporation from all damages, loss, costs, charges and expenses of every nature and kind whatsoever that the corporation may incur, be put to or have to pay by reason of the exercise by the company of their powers, or any of them, or by reason of neglect by the company in the executing of their works, or any of them, or by reason of the improper or imperfect execution of their works, or any of them, or by reason of their works being unsafe or out of repair, or by reason of the neglect or failure of the company to remove any snow or ice which it is their duty to remove under this agreement, or by reason of the neglect, failure or omission of the company to do, or permit anything herein agreed to be done or permitted, or by reason of any act, default or omission of the company, or otherwise howsoever.



85. The privileges granted in this agreement shall extend to the fourth day of February, 1929 and the corporation may acquire, after giving at least one year's notice prior to the expiration of the said term, the ownership of the said railway of the company, and all real and personal property used and employed in connection with the working thereof, on payment of the value thereof, to be determined by arbitration, and any arbitration under this section shall be subject to the provisions of *The Consolidated Municipal Act, 1892*, and the Act respecting arbitrations and references, or any Acts substituted therefor, or for the time being dealing with the said matters, and the arbitrators shall have the powers of arbitrators appointed under the said Acts, and each party shall pay half the costs of arbitration.

86. After the corporation shall have given such notice they may at once proceed to arbitrate under the conditions in that behalf, and both the corporation and the company shall in every reasonable way facilitate such arbitration, and the arbitrators appointed in the matter shall proceed as, if possible to make their award not later than the expiration of the said term, but if from any cause the award shall not be made at such time, or if either party be dissatisfied with the award, the corporation may nevertheless, take possession of the said railway, and all the property and effects thereof, on paying into Court the amount of such award, if the award be made, or if not, on paying into Court or to the company such sum of money as a Judge of the High Court of Justice may, after notice to the company, order, and upon and subject and according to such terms, stipulations and conditions as the Judge shall by his order direct and prescribe provided always that the rights of the parties, except in so far as herein specially provided, shall not be affected or prejudiced thereby. In determining such value, the rights and privileges hereby granted, and the revenue, profits and dividends being or likely to be derived from the enterprise, are not to be taken into consideration, but the arbitrators are to consider only the actual value of the actual and tangible property, plant, pavements, equipments and works connected with and necessary to the operation of the said railway, which is not to include any land, property or rights acquired or used in connection with the said railway, and which do not actually form a part of the said railway undertaking, or are not necessary to the carrying on of the same, but no allowance shall be made in respect of pavements, except such only as shall hereafter be constructed by the company under provisions of this agreement, and in arriving at the allowance for such pavements due regard shall be had to the average life of such pavements and their state of repair and condition at the time of the arbitration, and the original cost shall not be estimated higher than the price paid by the corporation for the same class of pavement on the same street laid by the corporation.

In arriving at such value, the arbitrators are to consider and award only the value of the said several particulars to the corporation at the time of arbitration, having regard to the requirements of a railway of the best kind and system then in operation and applicable to the said city.

87. In the event of the corporation not exercising at the expiration of the said franchise, the right to take over the railway and the real and personal property necessary to be used in connection with the working of the said railway, the corporation may at the expiration of any fifth year thereafter, and so at the expiration of periods of five years, reckoning from the expiration of the previous five years, exercise such right upon giving not less than one year's notice to the company of their intention so to do, and the privileges, duties and obligations and liabilities of the company hereunder shall continue until the ownership is assumed by the corporation as aforesaid, or possession taken under the provisions of this section as above mentioned, provided always that whenever the corporation exercise such right of taking over the said property, the provisions for determining the value thereof herein contained, and the other provisions of Secs. 85 and 86 shall apply *mutatis mutandis* in the same manner as if the corporation

had exercised their rights at the expiration of the said franchise, that is to say, the fourth day of February, A. D. 1929. Nothing herein contained is to interfere with any rights of the city to enforce any mortgage or other security they may have.

IN WITNESS whereof the said, the St. Thomas Street Railway Company have caused to be affixed hereto their corporate seal and the hand of their President, and the said corporation have caused the same to be signed by the Mayor, and the corporate seal to be affixed.

(Signed) } THE ST. THOMAS STREET RAILWAY COMPANY,  
By J. H. STILL, President. [L.S.]

Signed, sealed and delivered in the presence of  
W. B. DOHERTY, (Sd.) FRED. W. WRIGHT,  
City Clerk. Mayor. [L.S.]

### SCHEDULE C.

THIS INDENTURE made in duplicate this            day of  
in the year of Our Lord one thousand eight hundred and ninety-eight, between the St. Thomas Street Railway Company (hereinafter called the "Mortgagors") of the first part and the Municipal Corporation of the City of St. Thomas (hereinafter called the "Mortgagees") of the second part ;

Whereas the St. Thomas Street Railway Company (the mortgagors) have entered into an agreement with the corporation of the city of St. Thomas (the mortgagees) by which the said company has undertaken to construct and maintain and operate an electric street railway upon the trolley system, along, over and upon certain streets in the city of St. Thomas set forth in the said agreement upon the condition that the said municipal corporation guarantees the bonds of the said company to be issued to the extent of fifty thousand dollars payable in thirty years from the issue thereof together with the interest thereon at the rate of four per cent per annum, payable half-yearly, and also agrees to pay the first year's interest on the said bonds amounting to two thousand dollars.

And whereas the council of the corporation of the city of St. Thomas have passed By-law No. 1055 authorizing the guarantee and payment aforesaid, and such by-law has been duly assented to by a majority of the ratepayers of the said city of St. Thomas qualified to vote and who voted thereon.

And whereas by the said agreement it is provided that after the said railway has been in operation for four years the said company shall set aside and deposit in some chartered bank in the city of St. Thomas to the joint credit of the corporation and the company one-half per cent. per annum on its bonded indebtedness for six years beginning with its fifth year of operation, and shall set apart and deposit as aforesaid for the next ensuing five years one per cent. on its bonded indebtedness, and in the succeeding and remaining years of the term of its franchise shall set apart and deposit as aforesaid two per cent. of its bonded indebtedness for the payment and redemption of the said bonds at maturity, and such annual deposit shall be made on the first day of July in each of said years. provided, however, that instead of such moneys being deposited as aforesaid, they may be invested in such securities as may be agreed upon between the corporation and the company.

And

And whereas by the said agreement it is further provided that, in case the company makes default in any of the half-yearly payments of interest upon the said bonds, so guaranteed by the corporation or upon any of them, or in any part of such interest, for the space of six months after any of such payments become due and payable, then and in every such case the corporation shall be entitled to move the High Court of Justice, or a Judge thereof, for the appointment of a receiver and to have a receiver appointed to take, collect and receive all rents, tolls, fares and revenues due or accruing due to the said company, or earned or to be earned by the said company, or by the said railway, and shall apply such portion of said rents, tolls, fares and revenues as may remain after payment of the running expenses of said railway during the time such receiver is in possession or control of the railway, and of the costs, charges and expenses incurred by the corporation in the appointment of such receiver, and of the compensation allowed the receiver, in payment of the interest then in arrears; and in addition or in the alternative, at the option of the corporation, the corporation may take proceedings to realize upon its security under the mortgage to be given by the company in the manner provided by such mortgage.

And whereas by the said agreement it is further provided that, in case the company fails to make the annual deposit for the purpose of providing for the redemption of the said bonds at maturity for the space of six months after the time fixed for making the same in any year, the corporation shall be entitled to have a receiver appointed in like manner and for the like purpose and with the like powers as are mentioned in preceding clause, or the corporation may take immediate proceedings under this mortgage to realize upon its security in the manner provided by the said mortgage.

And whereas by the said agreement it is further provided that, the said mortgagors shall make, execute and deliver to the said mortgagees a first mortgage upon the said railway and undertaking of the company, its franchise, privileges, rents, revenues, tolls, income, plant, equipment, assets and real and personal property at any time aquired, both present and future, for securing and indemnifying the said mortgagees against the payment of the said bonds so guaranteed as aforesaid, or any of them, and of the interest thereon or any portion thereof, and as security also that the said company the mortgagors will set apart and deposit in some chartered bank in the City of St. Thomas to the joint credit of the mortgagees and mortgagors the annual sums fixed by the agreement to be deposited for the payment and redemption of the said bonds at maturity and as security also that the company will indemnify and save harmless the mortgagees from all loss, costs, charges and expenses of every nature and kind whatsoever that the said mortgagees may incur, be put to, or have to pay by reason of the exercise by the mortgagors of their powers or any of them, or by reason of neglect of the mortgagors in the execution of their works or any of them, or by reason of the improper or imperfect execution of their works or any of them, or by reason of their works being unsafe or out of repair, or by reason of the neglect or failure of the mortgagors to remove any snow or ice which it is their duty to remove under said agreement, or by reason of the neglect, failure or omission of the mortgagors to do or permit anything by the said agreement agreed to be done or permitted, or by reason of any act or default or omission of the mortgagors, or otherwise howsoever, and as security also that the mortgagors will pay any judgment that the mortgagees may recover against them.

Now therefore this indenture witnesseth that in consideration of the premises and for the purpose of securing the said corporation of the city of St. Thomas the mortgagees from the payment of the said bonds of the said The St. Thomas Street Railway Company the mortgagors so guaranteed as aforesaid and of the interest thereon as the same becomes respectively due and payable, and for the further purpose of securing the said mortgagees from all loss, damages, costs, charges and expenses that the said mortgagees may incur, be put to or have to pay by reason of the acts, default or negligence of the said mortgagors, in doing or omitting to do

any



any of the matters and things referred to in section 84 of the said agreement, and in further consideration of the sum of one dollar of lawful money of Canada now paid by the said mortgagees to the said mortgagors (the receipt whereof is hereby acknowledged) the said The St. Thomas Street Railway Company the mortgagors do grant bargain, sell and assign, transfer and convey to the mortgagees the parties hereto of the second part, all and singular, the lands tenements and hereditaments now owned by or belonging to the said company, and all lands tenements and hereditaments which at any time hereafter during the continuance of the franchise of the said company may be purchased or acquired or which may belong to the said company in the city of St. Thomas, and the railway and undertaking of the company, now made, in course of construction, or hereafter made or constructed, and including such portion of the said railway and undertaking which may be hereafter constructed upon, over or along any road allowance or dividing line between the City of St. Thomas and any adjoining township, together with all branches, extensions, sidings; switches and turn-outs, and the superstructure and tracks, and all iron, steel, rails, ties, poles, wires, pavement and other material of every nature and kind placed or to be placed, or used in, or in connection with the said railway, or procured or to be procured therefor, and all structures, buildings, stations, station-houses, offices, stables, power houses, engine houses, workshops, machine shops, and other buildings and erections owned, built, held or acquired, or which may at any time hereafter be owned, built, held or acquired for use in connection with the said railway, or the business thereof, including all electric or other motors, cars and other rolling stock or equipment, and all engines, boilers, generators, dynamos, machinery, tools, implements, fuel and material for the construction and operation of the said railway, as well as all renewals of the said railway, its tracks, machinery, plant and equipment and appurtenances wherever situate, and whether on the lands of the said Company or on lands leased or rented by the said Company, or on any lands occupied by the said Company or by the property of the said Company, whether now held, or at any time hereafter acquired, and including all goods, chattels and personal property which may at any time during the franchise of the Company and the continuance of this security be added either as an increase thereof or in substitution for any article which may happen to be lost or cease to exist, all of which things are hereby declared to be appurtenances and fixtures of the railway and to be included in and to pass by these presents, and this conveyance, and also all the interest of the Company in, and under By-law No. 146 of the Town of St. Thomas, and By-laws Nos. 518 and 1055 of the City of St. Thomas, and all other by-laws relating to the said railway and all agreements entered into pursuant to said by-laws, and all the franchise, powers and privileges relating to or connected with the said railway or the construction or maintenance thereof now held or hereafter granted to or acquired by the said Company and all corporate or other franchises which are now or hereafter may be possessed or exercised by the said Company, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the tolls, incomes, rents, issues and profits thereof and all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well at law as in equity of the said Company, in and to the same, and any and every part thereof with the appurtenances, and generally all the real and personal property of the said Company of whatsoever kind situate within limits of the City of St. Thomas and along any road allowance or dividing line between the said City and any adjoining township, including the equipment, now or at any time hereafter owned, acquired or possessed by the Company during the existence of its franchise, and the continuance of this mortgage.

Provided this mortgage and these presents shall be void on payment by the said company the mortgagors of the full amount of principal and interest owing upon the bonds of the said company so guaranteed by the municipality of the city of St. Thomas as the said bonds and interest thereon become respectively due and payable.

And



And upon the said company the mortgagors, setting apart and depositing annually in some chartered bank in the city of St. Thomas to the joint credit of the said company and the corporation of the city of St. Thomas one-half per cent. of its bonded indebtedness as guaranteed by the said municipality for six successive years, beginning with the fifth year of the operation of the said railway, and upon the mortgagors setting apart and depositing annually as aforesaid one per cent. of its bonded indebtedness so guaranteed as aforesaid, for the five years next following the term last above mentioned, and upon the mortgagors setting apart and depositing annually as aforesaid two per cent. of its bonded indebtedness so guaranteed as aforesaid, during the succeeding and remaining years of its franchise, such annual deposits to be made on the first day of July in each of said years for providing a sinking fund for the payment and redemption of the said bonds at maturity.

And upon the company paying, indemnifying and saving harmless the mortgagees from all loss, damages, costs, charges and expenses of every nature and kind whatsoever that the said mortgagees may incur, be put to, or have to pay by reason of the exercise by the mortgagors of their powers, or of any of them, or by reason of neglect by the mortgagors in the execution of their works, or any of them, or by reason of the improper or imperfect execution of their works or any of them, or by reason of any of their works being unsafe or out of repair, or by reason of the neglect or failure of the mortgagors to remove any snow or ice which it is their duty to remove under the said agreement, or by reason of the neglect, failure or omission of the mortgagors to do or permit anything by said agreement agreed to be done or permitted by them or by reason of any act, default, or omission of the mortgagors or otherwise howsoever, and upon the mortgagors paying all judgments that the mortgagees may obtain against the mortgagors on any account whatsoever, within six months of the recovery of such judgment.

Provided always, and it is hereby declared and agreed by and between the parties hereto that if the said mortgagors, their successors or assigns shall make default for the space of six calendar months in the payment of any of the half-yearly payments of interest, or of any part thereof upon the said bonds so guaranteed by the said mortgagees, or make default in the payment of the said interest on any of the said bonds, for the space of six calendar months after any of such payments become due and payable, or if the said mortgagors their successors or assigns shall make default in setting apart and depositing in some chartered bank in the city of St. Thomas to the joint credit of the city and the company the annual sums mentioned in the said agreement and hereinbefore specified to be set apart and deposited by the said mortgagors as a sinking fund for the payment and redemption of the bonds of the said mortgagors so guaranteed by the corporation of the city of St. Thomas, for the space of six calendar months after the first day of July in any year, or if the said mortgagors shall make default for the space of six calendar months in the payment of any judgment recovered by the mortgagees against the mortgagors on any account whatsoever, or if the said mortgagors fail to indemnify and save harmless the mortgagees from the payment of, or shall make default for the space of six calendar months after demand, in repaying to the mortgagees any sum or sums of money, loss, damages, costs, charges or expenses that the mortgagees may incur, be put to or have to pay, by reason of any of the acts, default, neglect or omissions of the mortgagors hereinbefore mentioned, it shall and may be lawful for the said municipal corporation of the city of St. Thomas, the mortgagees, to enter into the possession of the lands, tenements, hereditaments and premises hereby conveyed or intended so to be, and of the said railway, its franchise, tracks, buildings, plant, machinery, superstructure, equipment and all other real and personal property hereinbefore mentioned, and take the rents, tolls, income and profits thereof, and whether in or out of possession of the same to make any lease or leases thereof or of any part thereof as the said mortgagees may think fit, and also to sell and absolutely dispose of the same or any part or parts thereof, either by public auction or

by private sale, or partly by public auction and partly by private sale as to the said mortgagees may seem meet, and to convey and assure the same unto the purchaser or purchasers thereof and to execute and do all such assurances, acts, matters and things as may be found necessary for the purposes aforesaid, and the said corporation of the city of St. Thomas, the mortgagees, shall not be responsible for any loss which may arise by reason of any such leasing or sale as aforesaid, and it is further agreed by and between the parties hereto, that until such sale or sales shall take place as aforesaid the said corporation of the city of St. Thomas, the mortgagees shall stand and be possessed of the rents, tolls, income and profits of the said property real and personal, and that after such sale or sales will stand and be possessed of the moneys to arise and be produced by such sales for the sole, exclusive and absolute use of the said mortgagees, or the said mortgagees may at any time upon the expiration of any of such periods of default in the payment of the interest on said bonds or upon any of them, or any portion of such interest or at any time upon the expiration of any of such periods of default in setting apart and depositing the annual sums aforesaid as a sinking fund to meet the payment of the said bonds at maturity, take, control, manage, operate, hold and absolutely own, possess and enjoy the lands, tenements, hereditaments, and premises with the appurtenances thereof, and the said railway and undertaking, its franchise, tracks, buildings, plant, machinery, superstructure and equipment and all other real and personal property of every nature and kind hereinbefore mentioned free from all claims, rights or title of the said mortgagors, their successors or assigns, or any person, firm or corporation claiming by, from, through or under them, and without let, suit, hinderance, interruption or denial of the said mortgagors or of any other person, firm or corporation whomsoever claiming by, from, through or under them, and provided also and it is hereby further agreed by and between the parties hereto that at the expiration of any of the before mentioned periods of default, it shall and may be lawful for the said mortgagees, their officers or servants with such assistants as they may require during the day or night, to enter into or upon any lands, tenements, houses or premises, wheresoever and whatsoever, belonging to the said mortgagors or where the said goods, chattels and property hereinbefore mentioned, or any part thereof, may be, and for such officers, servants or persons to break and force open any doors, locks, bars, bolts, padlocks, hinges, gates, fences, houses, buildings, inclosures and places for the purpose of taking possession of such goods, chattels and property.

And the said mortgagors have released, remised and quitted claim, and by these presents do release, remise and forever quit claim unto the said mortgagees all and all manner of right, title, interest claim and demand whatsoever, of, unto and out of the said lands, tenements, hereditaments and premises, and all the personal property and effects hereby conveyed or mentioned or intended so to be, and every part and parcel thereof, so as that neither the said mortgagors, their successors or assigns shall or may at any time hereafter have, claim, pretend to challenge or demand the said lands, tenements, hereditaments and premises, and the said personal property and effects hereinbefore mentioned or any part thereof in any manner howsoever, subject always to the said above proviso but the said mortgagees and the said lands, tenements, hereditaments and premises and the said personal property and effects subject as aforesaid shall from henceforth for ever hereafter be exonerated and discharged, of and from, all claims and demands whatsoever which the said mortgagors, their successors or assigns might or could have upon the said mortgagees or upon or in respect of the said lands, tenements, hereditaments and premises, and the said personal property and effects hereinbefore mentioned.

And the said mortgagors for themselves, their successors and assigns do hereby covenant with the said mortgagees that the said mortgagors, their successors and assigns will pay or cause to be paid the said bonds so guaranteed by the said mortgagees and the half-yearly payments of

interest

interest thereon, as the same become due and payable, and will indemnify and save harmless the said mortgagees from, and will on demand repay to the said mortgagees all loss, damages, costs, charges and expenses that the mortgagees may incur, be put to, or have to pay by reason of any of the acts, default, neglect or omission of the mortgagors hereinbefore mentioned, and further that the said mortgagors, their successors and assigns will do and perform every act, matter and thing by them agreed to be done and performed by and under the said agreement.

And it is hereby understood and agreed by and between the said mortgagees and the said mortgagors that wherever the words "real and personal property" occur or are mentioned in this mortgage, they shall include the said railway and undertaking of the mortgagors, its branches, extensions, sidings, switches, turn-outs, superstructure and tracks, and all iron, steel, rails, ties, poles, wires and other material and all structures, buildings, stations, station-houses, offices, stables, power houses, engine houses, workshops, machine shops, car sheds, and other buildings and erections, and all electric or other motors, cars and other rolling stock, and equipment, engines, boilers, generators, dynamos, machinery, tools, implements and material for the construction and operating of the said railway, now owned, built, held or acquired, or which at any time hereafter during the continuance of this security, may be built, owned, held or acquired by the said mortgagors, or used or held for use, or procured or to be procured for use by the said mortgagors, or by or in connection with the said railway.

In witness whereof the said, The St. Thomas Street Railway Company, the mortgagors, have hereunto set their corporate seal and the hand of their President, the day and year first above written.

Signed, Sealed and Delivered )  
in presence of )

## CHAPTER 52.

An Act to confirm a certain Agreement between the Grand Trunk Railway Company of Canada, the St. Clair Tunnel Company, and the Town of Sarnia.

*Assented to 17th January, 1898.*

WHEREAS, the Corporation of the Town of Sarnia have entered into an agreement with the Grand Trunk Railway Company of Canada and with the St. Clair Tunnel Company, which agreement is set out at length in the schedule to this Act; and whereas, the said parties respectively have by their several petitions prayed that an Act be passed to validate, confirm and make legal the said agreement; and whereas, it is expedient to grant the prayer of the said petitions; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement set out at length in the schedule to this Act is hereby legalized, confirmed and made valid and binding in the same manner and to the same extent as if fully set out at length and incorporated in this Act. Agreement confirmed

2. All the by-laws of the Corporation of the Town of Sarnia passed heretofore and upon which said agreement is founded are and each of them is hereby made legal, valid and binding on all parties or persons affected thereby. By-laws authorizing agreement confirmed



## SCHEDULE.

THIS AGREEMENT made in triplicate this fifth day of October, A.D. 1897, by and between The Grand Trunk Railway Company of Canada, hereinafter called "The Grand Trunk," of the first part, The St. Clair Tunnel Company, hereinafter called "The Tunnel Company," of the second part, and the Corporation of the Town of Sarnia, hereinafter called "the Corporation," of the third part.

Whereas the Grand Trunk and the Tunnel Company are about to erect an engine or round house or round houses as may be required with the necessary appurtenances or accessories thereto for the accommodation of the engines used in working the traffic passing through the tunnel to and from Canada, and also the engines used by the Grand Trunk on the division of their railway terminating at Sarnia aforesaid;

BOM. 2, 11/10/97

And whereas the said Corporation desire to have said proposed works located in said town, and to that end have offered to take proceedings under the provisions of *The Municipal Acts* in that behalf, with a view to extending the limits of the said town so as to take in the lands hereinafter described on which said works are to be erected, and in the event of the said Corporation getting the said limits extended as aforesaid, to grant the facilities and give the considerations hereinafter set forth, which offer the said Grand Trunk and the said Tunnel Company have respectively accepted;

Therefore these presents witness that the said parties hereto respectively for the considerations hereinafter set forth, have each for themselves and their respective successors and assigns, covenanted, promised and agreed as follows, that is to say:—

The said Corporation agree to take proceedings under said Acts with a view to take into the boundaries or limits of the said Corporation all that parcel or tract of land now in the Township of Sarnia, in the County of Lambton and Province of Ontario, and being composed of part of lot number thirteen, in the third range of the Indian reservation, in the said Township of Sarnia, commencing at a point formed by the intersection of the east side of the Indian Road and the south boundary of the Town of Sarnia; thence in an easterly direction along the said south boundary of the Town of Sarnia sixteen hundred and fifty feet; thence in a southerly direction parallel to the above mentioned east boundary of the Indian Road five hundred feet and six inches, more or less, to a point five hundred feet distant from the said south boundary of the Town of Sarnia when measured at right angles thereto; thence in a westerly direction parallel to the said south boundary sixteen hundred and fifty feet, more or less, to the aforesaid east boundary of the Indian Road; thence in a northerly direction along the said east boundary five hundred feet and six inches, more or less, to the place of beginning; containing eighteen acres and ninety-four hundredths of an acre, be the same more or less, and as shown on the plan attached hereto and signed by Joseph Hobson;

That the Corporation will pass a by-law fixing and enacting that the present assessment of the Grand Trunk and the Tunnel Company respectively upon their assessable property for the time being shall not be increased, but shall continue the same as it is at the date hereof for the period of twenty years from the date at which the said by-law takes effect.

That they, the Corporation, will extend the water mains of the Town of Sarnia from Campbell street south to the present boundary of the town at a point opposite to the said extension. Any extension of water mains in and upon the property of the parties of the first part and second part, shall be made by said last named parties at their own costs, and the Corporation shall and will, after such extension by the Companies on their own property at the price of seven cents per thousand gallons, now charged the Grand Trunk, supply and furnish to the said the Grand Trunk and

and the Tunnel Company respectively, and said last mentioned companies will take exclusively from the town for a period of twenty years from the time this agreement is validated, all the water required for all the purposes of the said the Grand Trunk and Tunnel Company respectively. The water to be supplied as aforesaid shall be from the St. Clair river, the same as supplied to citizens of Sarnia, and shall be of a quality suitable for the purposes of the companies respectively; the water for the use of engines to be pumped by the Corporation into tanks of the companies.

That the said roundhouses, appurtenances and accessories, and the land above described, and all buildings hereafter or thereon erected on the said land that employ labor, that is, in which labor is employed, shall be exempt from taxation of all kinds, save school taxes, for twenty years from the day the same shall be erected thereon, and if and so often during said twenty years as the said buildings may be destroyed by fire, the same shall be rebuilt by the companies on said premises within one year after such fire.

In consideration of the above the Grand Trunk and the Tunnel Company respectively agree that they will build, or cause to be built, the roundhouse or roundhouses and appurtenances and accessories which shall contain stalls for not less than thirty engines upon the said piece of land above described, on or before the 24th day of September next.

It is further mutually agreed that the parties hereto will severally use all reasonable and lawful means to have an Act passed by the Legislature of the Province of Ontario confirming this agreement, and also validating and making operative the by-law authorizing the execution of this agreement and the said by-laws above referred to, but the Corporation not to be liable for any part of the cost thereof. The said Act to contain such further provisions as may be necessary to give full effect to the spirit and intent of this agreement.

Providing always that this agreement shall not be binding upon the Corporation unless and until the said lands shall have been added to the Town of Sarnia as aforesaid, nor shall this agreement or the by-law authorizing its execution, or the by-law to be passed in pursuance thereof, be binding upon the Corporation unless and until the same are validated by the said Act, and the Corporation agree to pass all by-laws which may after or before the passing of said Act be found necessary to carry out and give full effect to the arrangements above contemplated according to the spirit, true intent and meaning thereof.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered  
in the presence of  
R. S. LOGAN.

The Grand Trunk Railway Company  
of Canada,  
[L.S.]  
Per CHAS. M. HAYS,  
General Manager.

R. S. LOGAN.

The St. Clair Tunnel Company,  
[L.S.]  
Per CHAS. M. HAYS,  
President.

The Corporation of the Town of  
Sarnia,

J. D. STEWART,  
Town Clerk.

[L.S.]  
Per T. G. JOHNSTON,  
Mayor.

## CHAPTER 53.

## An Act respecting the County of Simcoe.

*Assented to 17th January, 1898.*

## Preamble.

WHEREAS the Corporation of the County of Simcoe by their petition have represented that the floating indebtedness of the said Corporation amounts to \$44,000 or thereabouts, which has not been secured by debentures, and that the said Corporation are desirous of erecting in the said County a House of Industry, and for such purpose require to raise by way of loan the further sum of \$20,000 by debentures and the said Corporation have prayed that the said debt may be consolidated, and that they may be authorized to issue debentures for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Debentures  
for \$50,000;  
authority to  
issue.

1. The Corporation of the County of Simcoe may pass a by-law or by-laws authorizing the issue of debentures under the corporate seal signed by the warden and countersigned by the treasurer for such sums not exceeding in the whole the sum of \$50,000, as the Council of the said County may direct and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this Province or Great Britain or elsewhere as the council of said corporation may deem expedient and may be either in currency or sterling money.

Power to  
borrow on  
debentures.

2. The said Corporation may raise by way of loan upon the credit of the said debentures from any person or persons, body or bodies corporate either in this Province or in Great Britain or elsewhere who may be willing to lend the same a sum not exceeding in the whole the sum of \$50,000 of lawful money of Canada.

3. The funds derived from the negotiation of the said debentures shall be applied by the said Council to the payment of the said out-standing floating liabilities and for the purpose of erecting a House of Industry in said County and to and for no other purpose whatever but the person or persons, body or bodies corporate lending the said money shall not be in any way bound to see to the application thereof by the said Council. Application of proceeds of debentures.
4. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the date thereof and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. Debt to be paid off in annual instalments.
5. The Corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them. Special rate.
6. No irregularity in the form of the said debentures or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal or be admitted as a defence to any action brought against the Corporation for the recovery of the said debentures and interest or any or either of them or any part thereof. Irregularities in form not to invalidate debentures.
7. It shall not be necessary to obtain the assent of the electors of the said county to the passing of the said by-law or by-laws under this Act or to observe the formalities in relation thereto prescribed by *The Municipal Act*, and amendments thereto. Assent of electors not required.  
Rev. Stat. c. 223.
8. It shall be the duty of the treasurer from time to time of the said County to keep and it shall be the duty of each of the members from time to time of the said municipal council to procure said treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act and the respective amounts payment of which is thereby secured and the times at which the said debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said County and Treasurer to keep proper books of account.



and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any such debentures.

### Form of debentures.

**9.** The said debentures may be in the form in the Schedule to this Act or as near thereto as the said Corporation may find convenient according to the places where and the money in which the same are made payable.

## SCHEDULE

County of Simcoe Loan Debenture No.	\$	Province
of Ontario, County of Simcoe.		

Under and by virtue of the Act passed in the \_\_\_\_\_ year of the reign of Her Majesty Queen Victoria and Chaptered \_\_\_\_\_ and by virtue of By-law No. \_\_\_\_\_ of the corporation of the county of Simcoe passed under the provisions contained in the said Act the corporation of the county of Simcoe promises to pay the bearer at \_\_\_\_\_ in \_\_\_\_\_ the sum of \_\_\_\_\_

on the                      day of                      the said of  
A. D.                      and the yearly (or half-yearly as the case may be)  
coupons hereto attached as the same shall severally become due.

Dated at Barrie in the county of Simcoe this                      day of                      .  
A. D. 18                      .

Warden.

(L. S.)

Treasurer.

## CHAPTER 54.

## An Act respecting the City of Toronto.

*Assented to 17th January, 1898.*

**W**HEREAS the Corporation of the City of Toronto has by its petition prayed for special legislation in respect to the several matters herein set forth; and whereas no opposition has been offered thereto; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said corporation is hereby authorized, with the concurrence of the holders of the debentures issued under By-laws numbers 2398, 2721, 2722, 2740, 2764, 3344, 3345, 3375, 3376, 3413, 3420, 3421, 3422, 3444, 3460, 3461, 3489, 3490 and 3510, to amend the said by-laws by authorizing the issue of debentures for sums bearing interest at the rate of three per cent. to an amount which taking into account the future payments of interest thereon will be equivalent to the amount payable for principal and interest on those already issued under the said by-laws, or to repeal the said by-laws and re-enact new ones for the issue of such equivalent amount. Amendments of certain by-laws by changing rate of interest on debentures.

2. Section 4 of the Act to incorporate the Industrial Exhibition Association of Toronto is amended by substituting the words, "parks and exhibitions (twelve members)" for the words "exhibitions (nine members)" in the fourth and fifth lines thereof. Industrial Exhibition. 42 V.c. 81, s. 4, amended.

3. The by-laws of the Corporation of the City of Toronto specified in schedule A hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for payment thereof, are hereby validated and confirmed. Money by-laws confirmed.

## SCHEDULE

## SCHEDULE A.

List of By-laws providing for the issue of debentures, passed by the Council of the Corporation of the City of Toronto at the respective dates set opposite each, the particulars of which are set out below.

Number of By-law.	Nature of work under By-law.	When passed by Council.	Amount of debt created.	Amount to be borne by City.	Amount to be borne by ratepayers.	Period of payments.	Rate of interest.
			\$ c.	\$ c.	\$ c.	Years.	Per cent.
3460	Consolidated loan debentures to the amount of \$26,000 for laying a 24-inch water main on Front street from Simcoe street to Church street.	Jan. 25th, 1897	26,000 00	26,000 00	.....	32	3½
3461	Consolidated loan debentures to the amount of \$275,000 for the purpose of completing the new court house and city buildings, and to furnish the same	Feb. 12th, 1897	275,000 00	275,000 00	.....	32	3½
3465	Consolidating the ratepayers' share of the cost of certain wooden sidewalks laid down during the year 1896	Mar. 22nd, 1897	9,150 64	.....	9,150 00	various.	3½
3466	Roadway on Leader Lane between Wellington street and Colborne street.	" 22nd, 1897	485 46	.....	485 46	10	3½
3467	Roadways on the first lane west of Yonge street running from the south side of Temperance street to the north side of Adelaide street, and on the lane lying between Temperance street and Adelaide street, commencing at a point 89' 4" west of the west side of Yonge street and running westerly a distance of 313' 6"	" 22nd, 1897	1,328 35	.....	1,328 35	10	3½

## SCHEDULE A.—Continued.

Number of By-law.	Nature of Work under By-law.	When passed by Council.	Amount of debt created.		Amount to be borne by City.		Amount to be borne by ratepayers.		Period of payments.	Rate of Interest.
			\$	c.	\$	c.	\$	c.		
3468	Roadway on Brunswick avenue between the north side of College street and the north side of Ulster street.....	Mar. 22nd, 1897	8,370	00			8,370	00	10	3½
3469	Roadway on Henry street between College street and Baldwin street.....	" 22nd, 1897	4,700	00			4,700	00	10	3½
3470	Roadway on Amelia street between Sumach street and Parliament streets.....	" 22nd, 1897	6,934	94			6,934	94	10	3½
3471	Roadway on St. Patrick street between Beverley street and Spadina avenue.....	" 22nd, 1897	2,223	47			2,223	47	5	3½
3472	Roadway on Simcoe street between the south side of Front street to the south side of Station street.....	" 22nd, 1897	1,014	91			1,014	91	5	3½
3473	Brick sidewalk on the east side of York street between Wellington street and the Rossin House lane.....	" 22nd, 1897	247	26			247	26	5	3½
3474	Concrete sidewalk on the west side of York street between Front street and Wellington street.....	" 22nd, 1897	916	88			916	88	10	3½
3475	Concrete sidewalk on the south side of Carleton street between a point 55' 9" west of Church street and Yonge street.....	" 22nd, 1897	721	40			721	40	10	3½

Concrete



## SCHEDULE A.—Continued.

Number of By-law.	Nature of work under By-law.	When passed by Council.	Amount of debt created.		Amount to be borne by City.		Amount to be borne by ratepayers.		Period of payments.	Rate of interest.
			\$	c.	\$	c.	\$	c.		
3476	Concrete sidewalk on the west side of Queen's Park crescent, between the north side of College street and a point 239' north, thence 287 north-westerly around the crescent, a total length of 526'.....	March 22nd, 1897	461	18			461	18	10	3½
3477	Concrete sidewalks on both sides of Leader lane, between Wellington street and Colborne street.....	" 22nd, 1897	193	11			193	11	10	3½
3478	Concrete sidewalk on the west side of Terauley street, from Louis street to a point 98' 4" north, and on the north side of Louisa street, from Terauley street to a point 60' westerly.....	" 22nd, 1897	358	69			358	69	10	3½
3489	Consolidated loan debentures to the amount of \$1,112,033.31 to redeem and replace certain debentures.....	July 5th, 1897	1,112,033	31	1,112,033	31			32	3½
3490	Consolidated loan debentures to the amount of \$148,676.66 to redeem and replace certain debentures.....	" 5th, 1897	148,676	66	148,676	66			32	3½
3491	Extension of Gladstone avenue to amend By-law 2841.....	" 5th, 1897	14,000	00			14,000	00		
3496	Consolidating the ratepayers' share of the cost of certain wooden sidewalks laid down during the year 1896.....	July 13th, 1897	1,768	09			1,768	09	Various	4

Concrete

## SCHEDULE A.—Concluded.

Number of By-law.	Name of work under By-law.	When passed by Council.	Amount of debt created.	Amount to be borne by City.	Amount to be borne by ratepayers.	Period of payments.	Rate of interest.
			\$ c.	\$ c.	\$ c.	Years.	Per cent.
3497	Concrete sidewalk on the south side of Front street, between the east limit and the west limit of the new Union Station building.....	July 13th, 1897	428 85	.....	428 85	5	3½
3498	Concrete sidewalk on the north side of Adelaide street, between Yonge street and Bay street.....	" 13th, 1897	1,749 50	.....	1,749 50	10	3½
3499	Roadway on Jarvis street, between King street and Queen street.....	" 13th, 1897	1,121 27	.....	1,121 27	3	3½
3500	Roadway on Temperance street, between Yonge street and Bay street.....	" 13th, 1897	870 02	.....	870 02	3	3½
3501	Roadway on John street between Front street and King street.....	" 13th, 1897	484 90	.....	484 90	3	3½
3502	Roadway on Sheppard street, between Adelaide street and Richmond street.....	" 13th, 1897	446 65	.....	446 65	3	3½
3510	Consolidated loan debentures to the amount of \$88,101.05 to pay the City's share of certain of the local improvement debts of the late Town of Parkdale.....	" 13th, 1897	88,101 05	88,101 05	.....	20	3½
3513	Consolidating broken amounts mentioned in several local improvement by-laws.....	Oct. 18th, 1897	57,975 57	.....	57,975 57	Various.	3½
3514	Consolidating City's share of the amounts mentioned in several local improvement By-laws.....	" 18th, 1897	49,525 72	49,525 72	.....	10	3½

## CHAPTER 55.

## An Act respecting the Town of Toronto Junction.

*Assented to 17th January, 1898.*

## Preamble.

WHEREAS the Corporation of the Town of Toronto Junction, hereinafter called the Corporation, have made default in payment of the interest due 2nd January, 1897, and 2nd January, 1898, on their consolidated general debentures amounting to \$853,200 issued under *The Toronto Junction Debt Consolidation Act, 1895*, and many of the holders of such debentures have represented that they deem it expedient with a view to the protection of their interests that the rate of interest stipulated to be paid on their debentures should be reduced so as to enable the said Corporation to resume payment and restore and increase its capacity to pay; and whereas the said corporation have represented that some of such debenture holders have obtained judgments against the corporation and that the others have threatened to sue and have only refrained from doing so in the hope of a settlement being made for the payment of a reduced rate of interest satisfactory to them and have further represented that they issued consolidated local improvement debentures under the provisions of the said Act to the amount of \$124,200, the payment of which is guaranteed by the municipality at large and that they will be unable to continue to pay the interest on such local improvement debentures and have further represented that if time be granted them they will be eventually in a position fully to discharge the principal sum and the said arrears of interest, but that the assessable property of the town is inadequate to meet the interest upon the debentures at the rate of four and one-half per cent. and that they have made an offer to the debenture holders for the payment of the principal sum and arrears of interest at the times hereinafter mentioned with interest at the rates hereinafter specified which the debenture-holders generally—as well the holders of the consolidated general debentures as of the consolidated local improvement debentures are disposed to accept—and that in order to give effect to such

such

such arrangement and to give increased facilities to the debenture-holders to enforce the observance of the same, special legislation in respect thereof is necessary and they have prayed for the same accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Corporation shall forthwith pass a by-law or from time to time pass by-laws in the form set out in Schedule A to this Act, authorizing the issue of debentures of the said Corporation to the amount of \$991,500, which shall bear interest from second January, 1898, payable on the second day of January in each year at the following rates:— on second January, 1899 to 1903, both inclusive, one per cent., on second January, 1904 to 1908, both inclusive, one and one-half per cent., on second January, 1909 to 1913, both inclusive, two and one-half per cent., on second January, 1914 to 1918, both inclusive, three and one-half per cent., on second January, 1919 to 1928, both inclusive, four per cent., on second January, 1929 to 1943, both inclusive, four and one-half per cent., so as to make an average rate of three and one-third per cent. for the whole period. The debentures shall be signed by the Mayor and Treasurer of the said Corporation, and the interest shall be represented by forty-five coupons annexed to the debentures, which shall be sufficient if signed by the Treasurer only. The debentures shall be of the denominations of \$1,000 and \$100, respectively, and shall be payable on the second day of January, 1943.

Council to pass by-laws to issue debentures for \$991,500.

2. The Corporation shall also forthwith pass a by-law or by-laws in the form set out in Schedule B to this Act, authorizing the issue of debentures of the said corporation to the amount of \$76,788, being the aggregate amount due for interest which matured on second January, 1897 and 1898 on the consolidated general debentures issued under the *Toronto Junction Debt Consolidation Act, 1895*, so that one of such debentures shall be given to each of the present holders of such consolidated general debentures for the amount of such overdue interest on the debentures held by him. Such debentures may be for amounts less than \$100 and shall be payable on second January, 1943, and bear interest from second January, 1898, payable annually therefrom, at the several and respective rates for the several and respective periods in the first section mentioned, and such interest shall be represented by forty-five coupons annexed to such debentures, which shall be sufficient if signed by the treasurer.

Council to pass by-laws for issue of debentures to pay interest on consolidated general debentures.

3.—(1) The respective holders of general consolidated debentures issued under the *Toronto Junction Debt Consolidation Act, 1895*, shall be entitled and bound to receive in exchange, therefor

Exchange of debentures issued under Act, for outstanding debentures.



therefor, new debentures issued under section 1 of this Act, to a like amount, and also a debenture or debentures issued under section 2 of this Act, for the amount of overdue interest on the debentures held by them respectively, such new debentures shall be deliverable at the office of the Treasurer of the Corporation on and after the first day of March, 1898.

(2) The Corporation and the Molsons Bank having agreed on a settlement of all matters between them dealt with by the agreement dated 1st March, 1895, set out in schedule F, to *The Toronto Junction Debt Consolidation Act, 1895*, it is hereby declared that the Molsons Bank shall be entitled and bound to receive debentures issued under section 1, for \$14,600 and \$300 in cash in satisfaction of the unpaid balance of the "remaining portion," mentioned in such agreement and interest, and the Molsons Bank shall cease to have any right, title or interest in the unpaid taxes of the said town for the years from 1890 to 1893, both inclusive and for one-half of the uncollected taxes of the said town imposed for all purposes except local improvements for the year 1894, and the said corporation shall be entitled to receive and retain for their own use all such taxes and all sums which may be paid by way of taxes upon or for redemption of lands heretofore sold for any of such taxes.

Position of  
holders of  
local improve-  
ment debentures.

4.—(1) The respective holders of consolidated local improvement debentures issued under the said Act of 1895, shall be entitled and bound to receive in exchange therefor, new debentures issued under section 1 of this Act, to a like amount.

(2) The holders of local improvement debentures issued under the provisions of section 10, sub-section 2, of the said Act shall be entitled at the time of exchange to have the debentures which shall be delivered to them stamped or marked with the words "Local Improvement Debenture," and with a reference to by-laws Nos. 235, 239, 331 and 355. The corporation shall continue to collect the annual special rates assessed upon the respective localities benefited under the said by-laws, and the amounts so collected shall be paid in and kept in a separate account in the bank and as well the sums heretofore as those hereafter collected under such by-laws shall be applied ratably so far as available in each year towards paying off and redeeming the debentures stamped or marked with such numbers in the order of the progressive numbers of the debentures as nearly as may be. The debentures so to be redeemed shall be paid by the treasurer, at his office on the second day of January, on the surrender of such debentures, and all coupons thereof, and in addition to the principal money thereof, there shall be paid such a sum as if added to the aggregate interest already paid, will make the average rate of interest on the debentures so redeemed during the period that they have run, three and one-third per cent. from the second day of January, 1898.

(3) The holders of all other consolidated local improvement debentures issued under the said Act of 1895, excepting the Canadian Bank of Commerce, shall, subject to the claim of the said bank, also be entitled to \$9,000 of the debentures held by the said bank as security, the same to be distributed ratably among such holders, excluding, in the computation, the \$20,000 of debentures held by the said bank, according to the amount of debentures held by them respectively, and such provision shall be deemed to be a release of all special liens and claims on all local or frontage rates other than those under by-laws Nos. 235, 239, 331 and 355, aforesaid, and also under by-law No. 333, passed on the second day of October, 1893, and the future annual special rates imposed upon the respective localities benefited under the several and respective by-laws relating thereto, other than by-laws Nos. 235, 239, 331, 355 and 333. The sum of \$2,250 shall be paid to the Canadian Bank of Commerce (on account of their claim) out of the amount heretofore collected for local improvement rates under by-laws other than 235, 239, 331 and 355, and the residue of such amount as well as any other sums which may be collected under the said by-law No. 333 and from past special rates, under any such other by-laws shall form part of the general funds of the corporation.

(4) Provided however that the cancellation of the local improvement rates as aforesaid shall not apply to the rates on the lands of Charles Conway Keele and Augusta Ann Keele ratable under by-laws Nos. 298 and 302 during the term of the lease referred to in section 15 of the Act 57 Victoria, Chapter 84, unless and until the Corporation enter into an agreement with such parties which the Corporation are hereby authorized and empowered to do, providing that the said lease and the application of the rents therein provided for be surrendered and put an end to.

(5) The Municipal Council of the said Corporation may with the consent of the Committee, named in or appointed under section 13 of this Act, enter into an arrangement for the payment of a sum of money to the holders of the debentures, mentioned in section 4, sub-section 2, in satisfaction of all rights of such holders to future rates under by-laws Nos. 235, 239, 331 and 355, and thereupon all future special rates imposed under such by-laws shall cease.

5. No action or other proceeding shall be maintained by or on behalf of any holder of any debenture issued under the said Act of 1895, or of any coupon to any such debenture and any judgment recovered in respect of such debenture or coupon shall not be enforceable against the corporation, its property or effects, and it shall be a sufficient defence to any such action or proceeding to state that any new debenture, or new debentures issued under the provisions of this Act had been duly

Actions by  
present  
debenture  
holders  
barred.

lodged or tendered at the office of the Treasurer, and on the same facts being shown, proceedings in any action or on such judgment may be stayed or set aside.

Special rate  
for payment of  
interest.

6. The Corporation shall, before the first day of October in the year 1898, and in each year thereafter, up to, and including the year 1942, proceed to levy the amount necessary to pay the interest on all said debentures falling due on second day of January then next, and to ensure such amount, shall impose upon the whole then assessable property in the said Town, a special rate, sufficient to produce such amount as well as the moneys required for all the current expenditure of the town other than for school purposes. The interest, then about maturing, shall be the first charge on the amounts collected by such rate, and subject thereto the sum payable to the Corporation of the County of York for the administration of justice shall be the next charge, and the moneys as collected shall be paid into some chartered bank to be named by the debenture holders at its office in the City of Toronto, or in Toronto Junction, up to an amount sufficient to pay all the interest then about maturing, and until such sufficient amount is so paid in, none of the moneys collected by such rate shall be used or available for use for any other purpose of the Corporation. The Molsons Bank shall be the bank for such purpose, unless and until a majority in value of the holders of debentures name in writing another bank, and lodge such writing with the Treasurer of the said Corporation; provided that the rate in this section mentioned shall not be levied on any property which has heretofore been exempted from taxation during the unexpired period of exemption; provided further, that the Municipal Council of the said Town shall have the power of exempting any manufacturing establishment hereafter introduced in the said Town, in whole or in part, from taxation, except as to school rates for any period not longer than ten years in the whole.

Priority of  
debentures  
issued under  
this Act.

7. The debentures to be issued under this Act shall, as regards both principal and interest have preference and priority over all debentures, bonds or obligations which may be made or granted by or on behalf of the corporation. No further debentures shall be issued by the corporation for a period of ten years, and after that period none shall be issued unless upon the consent in writing of a majority in value of the holders of the debentures issued under this Act, or upon the consent of a majority in value of those present or represented at a meeting of the holders of such debentures called, as hereinafter provided. The corporation shall not have the power while any of the debentures issued under this Act remain unpaid to borrow money under the provisions of section 413 of *The Municipal Act* or otherwise, howsoever, except subject to the first charge for the annual interest on such debentures.

Rev. Stat. c.  
223.



8. The Corporation may, on the second day of January in any year pay all or any of the debentures issued under the provisions of this Act upon giving notice of their intention in that behalf by publication in three consecutive issues of a morning daily newspaper, published in the city of Toronto between the twentieth and thirtieth days of November next preceding. If less than the whole of such debentures are to be paid, the numbers of the debentures to be paid shall be ascertained by lot by the Mayor and Treasurer of the Town and the manager of the Bank receiving payment under section seven and stated in such notice. The Corporation shall, in addition to the principal money of the debentures to be paid, pay such a sum as if added to the aggregate interest already paid will make the average rate of interest during the period that the debentures have run three and one-third per cent. If any of such debentures be not presented for payment on second day of January pursuant to any such notice the Corporation shall deposit the amount thereof with interest, as aforesaid, to the date of deposit in the said Bank to be paid on the presentation and surrender of the debentures, and all interest on such debentures shall cease from the date of deposit.

Council may pay debentures issued under Act in advance on giving notice.

9.—(1) If and whenever the Corporation shall fail to appoint assessors, or to appoint one or more collectors to collect the rates required to be raised under this Act, or if they fail at any time to impose and levy a sufficient rate or rates for the purpose of providing for the payment of the interest of such debentures, or if it shall be made to appear to the Senior Judge of the County Court of the County of York that the assessors, or collector or collectors appointed by the Corporation are not fairly and honestly performing the duties of their respective offices, or that they are endeavoring to delay or prevent the collection of the rate or rates required to be raised, it shall be lawful for such Judge upon the application of any holder or holders of debentures issued under this Act from time to time to appoint assessors to make up the proper rates, and they shall have power to call for the assessors' roll for the current year, and assess, impose and levy such rate or rates or to proceed with the collection of the uncollected portion of such rate or rates and any other taxes in arrear, and to take such steps as may be necessary for that purpose, and also to prepare assessors' or collectors' rolls and to place the same in the hands of assessors or collectors of his own selection who are hereby authorized to act in the same manner as if they had been appointed by the Corporation under the provisions of the Municipal or Assessment Acts, and it shall be the duty of any assessor or collector so complained of forthwith to hand over his rolls and any money collected to the person or persons so appointed by the County Judge.

Default by corporation in appointing assessors or collectors.



Cost of application to county judge, etc.

(2) The costs and expenses of any application to the County Judge and the remuneration payable to such assessors and collectors appointed under the next preceeding section shall be fixed by the said County Judge and shall be payable by the Corporation.

Enforcing payment of interest on debentures issued under Act.

10. If the Corporation shall make default in payment of the interest on any of the debentures issued under the provisions of this Act or of any part thereof, and the same remain unpaid for thirty days after presentation of the interest coupons at the place of payment therein named, then if it be resolved by three-fourths in value of the holders of debentures present or represented by proxy at a meeting of the debenture holders called and held as herein provided that the affairs of the Corporation should be managed by commissioners, and if such resolution duly authenticated be filed in the office of the Provincial Secretary an order shall be made by the Lieutenant-Governor in Council that the affairs of the said Town shall be so managed thenceforth for such time as may be mentioned in such order or in any other order or orders in that behalf by three commissioners, and all the powers and authorities of the Municipal Council shall thereupon cease and be vested in such three commissioners, two of whom shall be named by the debenture holders at the meeting in this section mentioned or at any other meeting called and held for that purpose as herein provided, and the other shall be appointed by the Council of the said Town. The Lieutenant-Governor in Council may by order define and prescribe the terms and conditions and other particulars necessary for the due management of the affairs of the Town by such commissioners and may appoint any of the commissioners in default of such appointment by those entitled to make the same.

Assent of electors, etc., not required.

11. It shall not be necessary that any by-law which shall be passed for the issue of any of the debentures, the issue of which is authorised by the foregoing provisions of this Act, shall be advertised in any way or be submitted for the approval of, or receive the assent of the ratepayers of the said Town of Toronto Junction in accordance with the provisions of *The Municipal Act*, and it shall be sufficient if any such by-law be passed by the Municipal Council in the form in the schedules A and B to this Act set forth, as the case may be.

Rev. Stat. c. 223.

Irregularities in form not to invalidate debentures.

12. No irregularity in the form of the debentures issued under the authority of this Act or of any by-law authorising the issue thereof, shall render the same invalid, or be a defence to any action against the said Corporation for the recovery of the amount thereof or the interest thereon or any part thereof, and any of the said debentures which shall purport to have been issued under the authority of this Act shall be conclusively presumed in favor of the holder or purchaser thereof to have been so issued.

**13.** The Mayor of the Town of Toronto Junction, Herbert C. Hammond, of the City of Toronto, broker, and John Kay Macdonald, of the City of Toronto, insurance manager, shall be a committee, and they, or any two of them, may and shall determine the amounts of debentures to be issued under this Act within the limits by this Act authorised, and the purposes for which the same shall be issued, and the disposal and application of all debentures not required for exchange, and all necessary arrangements as regards the debentures held as security by the Canadian Bank of Commerce, but subject to the rights of the said bank and all such matters shall, subject as aforesaid, be in the absolute discretion of the said committee or of any two members without question or appeal. The committee shall also direct and control the exchange of debentures and see to the cancellation of all debentures now outstanding. Should either the said Herbert C. Hammond or John Kay Macdonald die or be unable or unwilling to act as a member of such committee, then some person shall be appointed in his place by the other of them.

Committee to regulate issue of debentures.

**14.** Meetings of the holders of debentures for any of the purposes mentioned in this Act shall be held at some place in the City of Toronto and may be called at the instance of any holder or holders of debentures to an amount of not less than \$100,000 by giving notice of the time and place of meeting in three consecutive issues of two daily morning newspapers published in Toronto, the first insertion being not more than ten days nor less than six days before the day of meeting, and also by sending written notice at least ten days before the meeting to each of the holders of debentures who shall have given to the Clerk of the Municipal Council of Toronto Junction his or their name and address, and it shall be the duty of the said Clerk to enter in a book to be kept for the purpose the names and addresses of all holders of debentures so given to him or otherwise known by him.

Meetings of debenture holders.

**15.** If any ratepayer shall omit to pay his quota of the rate or rates authorized by this Act by the first day of December in any year, or within fifteen days thereafter, or if any taxes or rates assessed on the assessable property of non-residents shall be in arrear for fifteen days after the first day of December in any year, every person so in arrear and such assessable property shall be held liable to pay to the corporation an addition of ten per cent. to the said rate or rates so imposed, and the increased sum shall be so payable, not as a penalty, but as liquidated damages for the delay, and the collectors and other officials shall have the like powers for levying the said addition to the rate or rates as for levying the rate or rates, and shall levy the same accordingly, and the burden of proof of payment of the rate or rates shall be on the rate-

Penalty for non-payment of rates.

payer, and it shall not be in the power of the Council to remit such increased rate or to interfere with or alter the assessment roll after the same shall have been finally revised, unless it be to correct clerical errors, and the remission of such increased rate or of any rates so finally revised and confirmed shall be absolutely null and void.

Sale of land  
for arrears of  
taxes.

**16.** If any sum or sums assessed or payable after the passing of this Act in respect of any assessable real property belonging to non residents shall be in arrear and unpaid for twelve months after the said fifteenth day of December, or if any ratepayer shall omit to pay his quota of the rate or rates imposed upon him in respect of any real property after the passing of this Act during the period of twelve months after the time limited for payment thereof, such real property shall be liable to be sold for all arrears of taxes thereon, and the provisions of *The Assessment Act*, in force for the time being, shall apply in the same manner and to the same extent as in the case of taxes in arrear for three years under that Act.

Rev. Stat.  
c. 224.

Deferring tax  
sale for 1898.

**17.** The Municipal Council of the said Corporation instead of selling in 1898 lands then liable for sale for arrears of taxes may, if they see fit, defer advertising or offering for sale such lands until some time in the year 1899, and pass a by-law accordingly, and any sale of such lands for such arrears of taxes made later than the year 1898 shall be good and valid, anything in *The Municipal Act* or *The Assessment Act*, to the contrary notwithstanding.

Rev. Stat. c.c.  
223, 224.

Liability of  
property in  
union school  
section under  
certain by-  
laws not  
affected.

**18.** The passing of this Act shall not affect the liability of the property in the Township of York, ratable under by-laws Nos. 82, 139, 207 and 312, as being part of a union school section with the Town of Toronto Junction, but the property in said union school section shall continue to be ratable under said by-laws 82, 139, 207 and 312.

Application of  
rates already  
collected un-  
der 58 V. c. 90.

**19.** The sum of \$7,090.20, or thereabouts, collected under the provisions of *The Toronto Junction Debt Consolidation Act*, 1897, and deposited in "The General Debenture Rate Account," shall be applied as follows: \$2,000 thereof shall be paid to Messrs. Bruce, Burton & Bruce, of the City of Hamilton, for the costs and expenses incurred by and on behalf of the debenture holders in this legislation and the negotiations and legal proceedings, the amount of taxed costs, if any, up to the 7th January, 1898, of any creditors who have recovered judgment against the corporation, on any of the debentures issued under the said Act, shall be paid thereout by the corporation, and the remainder shall be applicable for the purposes of the corporation generally.

20. The provisions of the *The Toronto Junction Debt Consolidation Act, 1895*, so far as they are inconsistent with this Act are hereby repealed.

Inconsistent provisions of 58 V. c. 90, repealed.

## SCHEDULE A.

### Section 1.

A by-law to authorize the issue of debentures for \$  
under an Act respecting the Town of Toronto Junction, being 61  
Victoria, chapter 55.

It is hereby enacted by the municipal council of the corporation of the town of Toronto Junction as follows —

1. The mayor and treasurer are hereby authorized and directed to issue debentures under the provisions of section one of the said Act and for the purposes in such Act mentioned to the amount of

which debentures shall be of the denominations of \$1,000 and \$100 respectively, and be payable on the second day of January, 1943, and shall bear interest computed from second day of January, 1898, payable annually on the second day of January at the Molsons Bank in the city of Toronto at the several and respective rates following :—

For the years 1899 to 1903, both inclusive, one per cent.

For the years 1904 to 1908, both inclusive, one and one-half per cent.

For the years 1909 to 1913, both inclusive, two and one-half per cent.

For the years 1914 to 1918, both inclusive, three and one-half per cent.

For the years 1919 to 1928, both inclusive, four per cent.

For the years 1929 to 1943, both inclusive, four and one-half per cent.

The principal and interest shall be payable in gold coin and the interest shall be represented by coupons.

2. There shall be raised and levied in the year 1898 and each succeeding year during the currency of the debentures a sum sufficient to pay and discharge the amount falling due on the second day of January of the year then next ensuing by a general rate sufficient therefor upon the whole ratable property in the town.

## SCHEDULE B

### (Section 2.)

A by-law to authorize the issue of debentures for \$76,788, under an  
Act respecting the town of Toronto Junction, being 61 Victoria,  
chapter 55.

It is hereby enacted by the municipal council of the corporation of the town of Toronto Junction as follows :—

1. The Mayor and Treasurer are hereby authorized and directed to issue debentures under the provisions of Section Two of the said Act, and for the purposes in such Act mentioned to the amount of \$76,788, which debentures shall be payable on the second day of January, 1943, and shall bear interest computed from second day of January, 1898, payable annually on the second day of January at the Molsons Bank in the city of Toronto at the several and respective rates following :—

For



For the years 1899 to 1903, both inclusive, one per cent.

For the years 1904 to 1908, both inclusive, one and one half per cent.

For the years 1909 to 1913, both inclusive, two and one half per cent.

For the years 1914 to 1918, both inclusive, three and one half per cent.

For the years 1919 to 1928, both inclusive, four per cent.

For the years 1929 to 1943, both inclusive, four and one half per cent.

The principal and interest shall be payable in gold coin and the interest shall be represented by coupons.

2. There shall be raised and levied in the year 1898 and in each succeeding year during the currency of the debentures a sum sufficient to pay and discharge the amount falling due on the second day of January of the year then next ensuing by a general rate sufficient therefor upon the whole ratable property in the town.

## CHAPTER 56.

## An Act respecting the Town of Trenton.

*Assented to 17th January, 1898.*

WHEREAS the Municipal Corporation of the Town of Trenton by their petition have represented that the said Corporation have on various occasions during the years from 1889 to 1897 inclusive, ordered the levy of taxes upon real and personal property within the said Town of Trenton, as authorized by law; and that by reason of the inadvertence or misfeasance of officers of the said Corporation or otherwise many irregularities and omissions have occurred in the proceedings necessary for the levying of the said taxes and for the sale of land for the same; and whereas a large amount of the said taxes are now in arrear and it is feared that any attempt on the part of the said Corporation to enforce payment of the same will result in much litigation and in great confusion in the affairs of the said Town; and whereas to remove all doubts as to the validity of the proceedings already taken by the said petitioners for the levying of the said taxes and for the sale of lands for the same, the said petitioners have prayed for an Act confirming and validating the said proceedings; and whereas the said petitioners have also represented that the said Town of Trenton is by reason of its situation and of the existence of its extensive water power a very desirable location for manufacturers, and that the prosperity of the said town is largely dependent upon the existence of manufactures within its limits, and that owing to its want of power to grant bonuses to manufactures the said Town has been obliged of late to decline several offers on the part of manufacturers to establish manufactures within it; and whereas the said Corporation have already expended large sums in the construction of a dam and works for the purpose of developing water power with a view to the establishment in the said Town of manufacturing industries, and at the time such expenditures were made the said Corporation had

under

under the general laws of the Province power to grant aid by way of bonus to manufacturing industries, and it is claimed that the said Corporation should have the privilege to utilize to the greatest advantage expenditures heretofore made under the authority of special legislation in that behalf; and whereas the said petitioners have also by their said petition prayed for an Act authorizing the said petitioners to grant a bonus or bonuses for the encouragement of manufactures within the Town of Trenton, to the extent of \$25,000, and to issue debentures therefor; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Assessments  
from 1889  
to 1897  
confirmed.

1. The assessments of the said Town made in the years 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896 and 1897 and the assessment rolls thereof as finally revised are hereby confirmed and declared valid and binding to all intents and purposes, upon all persons concerned and upon the property and land affected thereby and contained, set out and described in the said roll, as the assessments and assessment rolls of the said years respectively, and shall for every other purpose also be valid.

Proceedings  
for levying of  
taxes and for  
sale of lands  
declared valid.

2. All proceedings necessary to be taken for the levying and collection of rates and taxes upon the said assessments, and for the purpose of preserving the said taxes as a lien upon any lands within the said Town, and for the sale of any of said lands for taxes where sale proceedings have been instituted, shall be deemed to have been taken, and are hereby confirmed and declared valid and binding to all intents and purposes upon all persons concerned, and upon all property and lands affected by the said assessments.

Sale of lands  
declared valid.

3. All sales of land for taxes under the said assessments where any portion of the taxes, in respect of which the sales were had, were in arrear for the time required by *The Assessment Act* and where the lands so sold have not been redeemed as in said Act provided, are hereby confirmed and declared valid and binding to all intents and purposes upon all persons concerned and as to the lands so sold, provided always that the owners of any of said lands may within one year from the date of the passing of this Act, redeem the same by paying or tendering to the treasurer of the said Town, in the manner and for the purposes mentioned in section number 200 of *The Assessment Act*, such sum as would be required for redemption thereunder.

Rev. Stat.  
c. 224.

4. Nothing contained in the three sections next preceding this section shall affect the rights of any party in any action pending on the first day of January, 1898, but all settlements of any actions or disputes theretofore pending are hereby ratified and confirmed.

Pending  
actions not  
affected.

5. It shall be lawful for the said Town of Trenton to grant aid by way of loan or bonus to secure the establishment of industrial and manufacturing enterprises within the said town, to an amount not exceeding under the powers conferred by this Act an aggregate sum of \$25,000, and to issue debentures and do all other acts in connection therewith as if the power to grant bonuses was still vested in municipalities.

Aid to manu-  
facturing  
industries.  
Power to  
grant.

6. No such aid by way of loan or bonus shall be given until after the passing of by-laws by the municipal council for the purpose and the adoption of such by-laws by the qualified electors as provided in *The Municipal Act* for the creation of debts, and except as herein otherwise provided, all the provisions of *The Municipal Act* relating to the creation of debts and the assent of the qualified ratepayers shall apply.

Requisites of  
bonus by-law.

Rev. Stat.  
c. 223.

7.—(1) Notwithstanding anything contained in the preceding section of this Act, the vote of two-thirds in the affirmative of the ratepayers who are entitled to vote upon any by-law granting aid to, or for promoting the establishment of, a manufactory or manufacturing establishment, or for lending money to such company, person or establishment, or guaranteeing the payment of money borrowed shall be necessary in order to the carrying of the by-law.

Assent of two-  
thirds of  
ratepayers  
required.

(2) No bonus shall be granted to a manufacturer under this Act who proposes to establish an industry of a similar nature to one already established in the municipality without any such bonus.

Bonus not to  
be granted to  
industry of  
same kind as  
one already  
established.

(3) No bonus shall be granted by the said municipality to secure the removal thereto of any industry established elsewhere in the Province.

Nor to secure  
removal from  
another muni-  
cipality.

(4) No bonus shall be granted in aid of any manufacturing industry where the granting of such bonus would, for its payment, together with the payment of similar bonuses already granted by the municipality, require an annual levy for the principal and interest, exceeding ten per cent. of the total annual municipal taxation thereof.

Nor to require  
levy of more  
than ten per  
cent. of total  
annual  
taxation.

8. In addition to the certificate required by section 364 of *The Municipal Act*, the clerk, in case of a majority of votes being in favor of the by-law, shall further certify whether or not, as shown by the voters' list, such majority appears to be two-thirds of all the voters who are entitled to vote on the by-law.

Certificate  
of clerk as to  
majority.



Disputes as  
to by-laws.

9. In case of dispute as to the result of the vote on any by-law submitted under this Act, the County Judge shall have the same powers for determining the question as he has in any case of the scrutiny of the votes.

Proceedings  
for adjust-  
ment of.

10. The petition to the Judge may be by an elector or by the council, and the proceedings for obtaining the Judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

Incorporation  
of certain sec-  
tions of Muni-  
cipal Act.

11. Sections 245 to 258, 338 to 365, and sections 367 to 374 inclusive, of *The Municipal Act*, and their sub-sections shall be taken and considered as part of this Act.

Application of  
general pro-  
visions as to  
creation of  
debts.

12. Except as otherwise provided in this Act, all the clauses of *The Municipal Act*, relating to the creation of debts, the issue of debentures and the time and manner of the payment of the same shall apply and be read as a part of this Act.

## CHAPTER 57.

## An Act respecting the Town of Walkerton.

*Assented to 17th January, 1898.*

WHEREAS the Corporation of the Town of Walkerton Preamble.  
have by their petition represented that the said corporation passed a by-law No. 486, entitled "A by-law for granting aid by way of loan for the promotion of the establishment of certain manufactures within the limits of the town of Walkerton," which by-law was afterwards, by an Act of the Legislative Assembly of the Province of Ontario, (59th Victoria chapter 98), confirmed and declared valid and binding from the time of the passing of said by-law to all intents and purposes; and that the said Walkerton Chair Factory Company, Limited, had not their factory finished and completed with all suitable machinery for the manufacture of chairs and other materials from wood before the first day of August, 1896, as required by said by-law to entitle the said company to the loan of \$6,000, as provided by said by-law, but that the said company afterwards, and before the first day of July, 1897, did finish and complete said factory in the manner required by said by-law; and whereas it is further represented that the said company after having completed the said factory applied to the said Town for the said sum of \$6,000 and the municipal council of the said Town passed a by-law, being by-law No. 522 of the said Town entitled "A by-law to extend the time for the performance of a certain condition for granting aid to the Walkerton Chair Factory Company Limited," which by-law before it was finally passed was advertised and submitted to a vote of the electors of said town as provided by *The Municipal Act*, and was confirmed by a majority of their votes before it was finally passed; and whereas it is further represented that after the said by-law was passed, and after the said factory was erected, the said corporation borrowed the said sum of \$6,000 and advanced and paid over to the said company the said sum, and took a mortgage bearing date the eighteenth day of September, 1897, registered in the registry office

office of the County of Bruce on the twenty-first day of September, 1897, as No. 6817 for the Town of Walkerton, on the lands and machinery of said company, to secure the repayment of the said sum so advanced according to the terms and conditions of the said by-laws Nos. 486 and 522, and on the tenth day of April, 1897, issued twenty debentures for the respective amounts and according to the terms of the said by-law No. 486 as ratified by the Legislature and the said by-law No. 522, and attempted to dispose of the same, but failed, as intending purchasers objected to purchasing them on the grounds that they had been illegally issued; and whereas it is further represented that the said Corporation of the Town of Walkerton have since the passing of the said by-law No. 522 levied a rate on the ratepayers of the said town sufficient to pay the principal and interest on said debentures and are continuing to levy the same to repay the said sum of \$6,000 so borrowed; and whereas it is also shown that the proper name of the said company is "The Walkerton Chair Manufacturing Company, Limited," and not as in said by-laws, the said Act of the Legislature, the said debentures, and the said mortgage, the "Walkerton Chair Factory Company, Limited," and it is desirable to declare hereby the true name of the company; and whereas it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law extending time for erection of chair factory extended.

Payment of loan to company and mortgage therefor confirmed.

Debentures confirmed.

Correction of clerical error as to name of company.

1. The said by-law No. 522 extending the time for the erection of the said chair factory from the first day of August, 1897, is hereby ratified and confirmed.

2. The payment to the said Company of the said sum of \$6,000, and the said mortgage taken to secure the repayment thereof and the covenants therein contained are hereby confirmed and declared valid and binding and always to have been valid and binding on the said Company, and on the said Corporation of the Town of Walkerton.

3. The twenty debentures issued by the said Town of Walkerton on the tenth day of April, 1897, under the said by-law No. 486, are, and each of them is hereby legalized and declared valid and binding on the said Corporation of the Town of Walkerton.

4. The name of the "Walkerton Chair Factory Company (Limited)," wherever mentioned in the said by-laws, mortgage debentures, and in said Act entitled *An Act to confirm By-law No. 486, of the Town of Walkerton*, 59th Victoria, chapter 98, shall mean and has always meant "The Walkerton Chair Manufacturing Company (Limited)"

## CHAPTER 58.

An Act respecting Waterworks in the City of Windsor,  
and amending the Acts relating to said Water-  
works.

*Assented to 17th January, 1898.*

WHEREAS the Corporation of the City of Windsor have by petition represented that the Waterworks of the said city have heretofore been managed under the provisions of an *Act respecting Waterworks in the Town of Windsor*, being chapter 79 of the Statutes of Ontario, passed in the 37th year of Her Majesty's reign, and an Act to amend an Act respecting waterworks in the City of Windsor, being Chapter 87 of the Statutes of Ontario, passed in the 57th year of Her Majesty's reign, and that a by-law of the Municipal Council of the Town of Windsor, being by-law No. 571 of the said Town of Windsor, and entitled "A by-law to transfer the management and control of the Windsor Waterworks to Commissioners and to authorize the election of Commissioners," was passed on the 26th day of November, 1888; and that it is desirable to confirm said by-law and to provide for the more efficient working and management of the Waterworks of the City of Windsor: and whereas it is expedient to grant the prayer of the said petition:

Preamble

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said by-law No. 571 of the Town of Windsor entitled "A by-law to transfer the management and control of the Windsor Waterworks to Commissioners, and to authorize the election of commissioners" and set forth as Schedule A to this Act is hereby confirmed and declared legal, and all assessments, levies, charges for water rates and rents, contracts, acts, matters and things made, done or entered into in pursuance of their appointment and election under said by-law by the Water Commissioners of the Town of Windsor or the

By-law 571 of  
the town of  
Windsor con-  
firmed.



the Water Commissioners of the City of Windsor, are hereby declared to have the same force and effect as if the management of the Waterworks of the Town of Windsor had at once vested in Commissioners appointed under said Act of the 37th year of Her Majesty's reign, and the Commissioners and their successors elected in pursuance of said by-law and the Mayor for the time being of the said Town or City are declared to be the corporate body mentioned in section 2 of said Act.

Commission-  
ers to continue  
a body corpor-  
ate.

2. The Commissioners and their successors shall continue a body corporate under the name of the Water Commissioners of the City of Windsor, and wherever the word town is used in said Act, passed in the 37th year of Her Majesty's reign, referring to the Town of Windsor, the same shall be read "city," as applying to all the provisions therein contained after the date of the incorporation of the City of Windsor.

Power to em-  
ploy servants

3. The Commissioners shall have power to employ assessors, collectors, inspectors, auditors and such other persons as may be necessary in the management of the said works, and to specify the duties of such persons so employed, and to fix their compensation, and all such persons shall hold office under the Commissioners, at the pleasure of the Commissioners and until removed by the Commissioners, and shall give such security as the Commissioners shall from time to time require.

Prohibition  
and penalties,

4. If any person does or commits any of the following acts :

1. Not being in the employment of the Commissioners, and not being a member of the fire brigade of the Corporation of the City of Windsor and duly authorized in that behalf, wilfully opens or closes or in any manner obstructs or injures any hydrant, or obstructs free access to any hydrant, stopcock, chamber pipe or hydrant chamber by placing on it any building material, rubbish, or other obstruction.

2. Wilfully alters any meter of the waterworks placed upon any service pipe, or connected therewith, within or without any house, building or other place so as to lessen or alter the amount of water registered thereby, or shall open or break any seal or fastening upon any such meter, unless specially authorized by the Commissioners for that particular purpose and occasion.

3. Lays or causes to be laid any pipe or main connected with a pipe or main of the waterworks, or in any way obtains or uses any water thereof without the consent of the Commissioners, and such person is convicted of such act before a Justice of the Peace having jurisdiction in the locality, he shall for every such offence forfeit and pay a sum not exceeding \$20, nor less than \$1, together with costs and charges attending the proceedings

ceedings and conviction, or such offender may be imprisoned in the first instance for any term not exceeding 30 days.

5. The penalties in money under any Act respecting the said waterworks, or under this Act, or under any by-law passed in pursuance of such Acts, or any portion of them, which may be recovered shall be paid to the convicting justice, and by him paid one-half to the Commissioners and the other half to the prosecutor, unless the prosecutor is the servant or officer of the Corporation of the City of Windsor, or the servant or officer of the Commissioners, in which case the whole penalty shall be paid to the Commissioners.

Application penalties.

6. The said Commissioners shall be and they are hereby required to keep, or cause to be kept, regular books of account and books for recording the whole of their official proceedings, and the Commissioners and the clerks employed in their service shall be sworn before a justice of the peace to faithfully perform all their duties, and all such books shall be open to examination of any aldermen of the city of Windsor, or of any person or persons appointed for that purpose by the corporation of the City of Windsor, or of any person or persons authorized by the Commissioners, or by any member of the commissioners, and shall annually, on or before the 15th day of January, or upon such other date as the Council may name, in each and every year, make a report to the Corporation of the City of Windsor of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same for the year ending the 31st day of December previous.

Books and accounts of commissioners.

Annual statement.

7. The Commissioners shall regulate the distribution and use of water in all places and for all purposes where the same may be required, and shall fix the water rates for the use thereof by the owners or occupants of any lands, houses, tenement, lot or part of lot in respect of such premises, and they may regulate such number of public hydrants in such places as they shall see fit, and direct in what manner and for what purpose the same shall be used, all of which they may change at their discretion; provided always that all hydrants, conduits and other appliances which the Corporation of the City of Windsor may require under this Act for the purpose of the extinguishment of fires shall be placed as the Corporation of the City of Windsor shall direct, and shall be under their exclusive control and direction when erected.

Regulation of the use of water and fixing price for use

8. In addition to the sum charged the owners or occupants of lands, houses, tenements, lots or parts of lots for the use of water, the commissioners shall have power from time to time to levy or charge an additional water rate upon the several properties, whether vacant or occupied, in, through, fronting or abutting upon all streets, lanes or alleys along which water mains

Water rate additional to rate imposed for use.

mains are laid, whether the owners or occupants of such properties use the water or not for general purposes, which rate shall be a uniform rate according to the value of the said lands or premises, as determined by the last revised assessment roll of the Corporation of the City of Windsor, which rates may be changed from time to time as the commissioners may determine.

Special rate where property within 300 feet of main.

9. It is further provided that the Commissioners may from time to time levy a special rate not exceeding four mills on the dollar upon the several properties, according to the then assessed value thereof, which may enjoy the advantage of using the water from the said mains, distant not more than 300 feet therefrom, for the purpose of protection against fire, whether the owners or ratepayers thereof use the water or not for general purposes.

Railway companies not to be charged in excess of what might be charged under 37 Vic., c. 79, ss. 11 and 12.

10. Nothing in this Act shall confer upon the said Commissioners, or the corporation of the City of Windsor, power to fix, levy upon or charge against the property of any railway company whose line of railway runs into the City of Windsor any water rate or rent in excess of what might have been fixed, levied upon or charged under the provisions of sections 11 and 12 of the said Act 37th Victoria, chapter 79.

Rate for special use.

11. In lieu of the sum or sums so charged as aforesaid, the Commissioners shall have power to fix a special rate or rent to be paid for the use of water by hydrants, fire plugs, public buildings, livery stables, hotels, manufactories, railway companies, water motors, or for any special use of the water beyond ordinary use thereof by householders.

Water rate a lien on property.

12. All the water rates or rents by this Act or any Act respecting said waterworks, authorized to be levied or charged shall be payable by the owners or occupants of the lands, properties, houses, tenements lots or parts of lots in respect whereof the said water rates or rents are charged, and the said water rates or rents, as well as all other rates, costs and charges directed by such Acts, to be collected in the same manner as water rates or rents, shall be a lien or charge upon the lands, properties, houses, tenements, lots or parts of lots of such owner to the same extent as the ordinary municipal taxes are a charge or lien against lands.

By-laws, rules and regulations for maintenance of waterworks and fixing rate.

13.—(1) The commissioners may from time to time make and enforce the necessary by-laws, rules and regulations for the general maintenance or management or the conduct of the waterworks and of the officers and others employed in connection with them not inconsistent with the Acts respecting said waterworks and for fixing the water rate or rent, and for the collection of the same and for fixing the time and times when, and places where, the same shall be payable, and the method of notification.



(2) And also for allowing a discount for prepayment at such a rate as the commissioners may determine, and in case of default of payment may shut off the water, and may also enforce payment by action in any court of competent jurisdiction, or by distress and sale of the goods and chattels of the owner or occupant or of any goods and chattels in his possession where ever the same may be found in the municipality or of any goods and chattels found on the premises, the property of or in the possession of any occupant of the premises.

Discount  
for prepay-  
ment.

(3) The distress and sale may be conducted in the same manner as sales are conducted for arrears of taxes, and costs chargeable shall be those payable to bailiffs under *The Division Courts Act*.

Distress and  
sale.

Rev. Stat.  
c. 60.

14.—(1) The shutting off the water or an attempt to collect the water rate or rent by any process in this Act set forth shall not in any way invalidate the lien or charge upon the premises as herein provided.

Attempt to  
collect not to  
invalidate  
lien.

(2) In the event of the water rate or rent remaining uncollected and unpaid and continuing a lien or charge upon the premises as aforesaid, the amount of the rate so in arrear for the year preceding, ending 31st December, shall be returned by the Commissioners to the Treasurer of the Municipality on or before the 8th day of April in each and every year, or such other time as may be fixed by the Commissioners by by-law in that behalf, and the same, together with interest at the rate of ten per centum per annum thereon shall thereupon be collected by the Treasurer by a sale of the lands and premises upon which they are a lien or charge in the same manner and subject to the same provisions as in case of the sale of non-resident lands for arrears of municipal taxes.

Sale of lands  
for arrears.

15. In case lands and premises are chargeable with municipal taxes and water rates and when offered for sale do not realize sufficient to cover both, then the proceeds of such sale shall be divided pro rata between the Corporation of the City of Windsor and the board of Water Commissioners.

Apportion-  
ment where  
taxes and  
water rates  
not realized in  
full.

16. The Commissioners, or their officers or servants shall at all reasonable times have free access to all buildings within which water is consumed or delivered, and may in their discretion place upon or within any premises a meter or meters: such meters when so placed shall be properly cared for by the owners or occupants of the property, and the said owners or occupants shall be held responsible for any damage or injury by neglect or otherwise which may result to such meters while within such premises.

Commis-  
sioners to have  
access to in-  
spect taps and  
meters.

17. Neither the water Commissioners nor the Corporation of the City of Windsor shall be liable for damages caused by the breaking of any service pipe or attachment, or for actions arising

Non-liability  
for damage  
from pipes  
breaking or  
clogging.



arising from the clogging of the mains, intakes or pipes, or from interruptions of the water from any source whatever, or for any shutting off of the water to repair mains or to tap the pipes, provided notice be given of the intention to shut off the water when the same is to be shut off for more than six hours at any one time.

Corporation  
of city of  
Windsor,  
power to issue  
debentures.

**18.** For the purposes of acquiring the necessary lands, rights and privileges for the extension and repairs of the said Water Works, or for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, or any other Act respecting said Waterworks the corporation of the City of Windsor shall have power to issue debentures of the said City of Windsor to be called Water Works Debentures, for such sums of money as may be necessary for such purposes, the amount of debentures outstanding and unpaid issued or to be issued for waterworks purposes not at any time exceeding five hundred thousand dollars, in such sums, not less than one hundred dollars or twenty pounds sterling money, as shall to the said Corporation seem expedient, which debentures shall become payable in the manner and at the times following, that is to say: within a period of thirty years from the date of the respective issues thereof, and shall bear interest at a rate not exceeding five per cent. per annum, such interest to be payable half-yearly, and shall have coupons attached for the payment of the said half-yearly interest, and such debentures shall be signed by the mayor and treasurer of the City for the time being, and may be payable either in sterling or currency in this Province or elsewhere as to the Council of the corporation of the City of Windsor shall seem expedient; and the Corporation of the City of Windsor and their successors shall, in providing for the payment of said debentures make the principal of the debt payable by annual instalments during the period for which the same are issued, and in which the debt is to be discharged, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period and payable at the times corresponding with such instalments, together with interest, and shall order a rate for that purpose to be specified, imposed and levied in each and every year to pay the said principal and interest on such debentures, but every by-law for raising upon the credit of the municipality any money additional to that already raised for water works purposes shall, before the final passing thereof, receive the assent of the electors of the municipality of the City of Windsor; except that the Municipal Council of the City of Windsor may, when requested so to do by the commissioners, raise by by-law or by-laws without submitting the same for the assent of the electors of the City of Windsor any sum or

sums not exceeding in any one year twenty thousand dollars for waterworks purposes.

**19.** The proceeds of such debentures, including premiums and accrued interest, if any, shall be paid over to the commissioners and be by them deposited in some chartered bank, and kept separate from any other funds of the Commissioners, and the same shall only be paid out on the cheque of the Chairman and Secretary for the time being of the Water Commissioners, and the Mayor for the time being of the City of Windsor, as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the works and improvements contemplated under the by-law authorizing said debentures to be issued. Provided always that nothing herein contained shall prevent the Commissioners, should they deem it advisable so to do, from paying the contractor or contractors or others in debentures, either at par or at such rate of discount, or at a premium, as the Commissioners shall in their judgment deem advisable, with the assent of the Corporation of the City of Windsor thereto, nor with the said assent from selling or negotiating the same as to them may seem most expedient or advantageous to the interests of the City of Windsor.

Deposit of  
debentures,  
and applica-  
tion of  
proceeds.

**20.** The waterworks erected or constructed, and also the lands acquired for the purposes thereof, and every matter and thing therewith connected shall be specially charged with the repayment of any sum or sums which may be borrowed by the Corporation for the purposes thereof, and for any debentures which may be issued therefor, and the holders of such debentures shall have a preferential charge upon the said lands, waterworks and the property appertaining thereto for securing the payment of the debentures and interest thereon.

Debentures to  
be charged on  
waterworks.

**21.** Besides providing for the payment attendant upon the maintenance and repair of the waterworks, the Commissioners shall also provide a sum equivalent to the sum necessary to meet the principal and interest on the debentures already issued on account of said waterworks by the Corporation of the City of Windsor or Town of Windsor, and hereafter issued by the Corporation of the City of Windsor as the same shall fall due from time to time during each year, and shall pay over to the Treasurer of the Corporation the said sum in such portions corresponding to the payments of rates, whether the same shall be yearly or the fractional part of a year within one month after the time fixed for the payment of water rates or sooner if practicable, and any funds remaining in the hands of the Commissioners at the expiration of any year after all payments for maintenance and repairs for the past year have been provided for shall be paid over to the Treasurer of the City and form part of the fund for the redemption and payment of waterworks debentures next falling due, but

Commission-  
ers to provide  
funds suffi-  
cient to meet  
debentures.

should no such debentures exist, then such funds shall form part of the general funds of the City and be applied accordingly.

Corporation to have power to levy rates in case the commissioners fail to raise sufficient for debentures.

**22.** If the Water Commissioners of the City of Windsor shall at any time neglect to raise the sums of money mentioned in the preceding section of this Act, the Corporation of the City of Windsor may, and they are hereby authorized and empowered when and as often as the same may occur, forthwith to settle, impose, levy and collect an equal special rate according to the last revised assessment roll of the City of Windsor sufficient therefor upon all property of the municipality liable hereunder to be charged in the manner and with the like powers as shall exist in respect to municipal assessments, rates and taxes, and from the proceeds thereof to pay and discharge all sums of money for interest or principal which shall or may be due or accruing due as aforesaid.

Power to dispose of property no longer required.

**23.** The Water Commissioners, with the consent of the Corporation of the City of Windsor, may dispose of any real or personal property acquired by them for waterworks purposes when no longer required, and, until sold, may rent or lease the same, and all proceeds arising therefrom shall be paid to the Treasurer of the said City. Any property so sold shall be free from any charge or lien on account of any debentures issued by the Corporation, and the proceeds of the sale shall be added to and form part of the fund for the redemption and payment of any debentures constituting a charge thereon, but should no such debentures then exist, then such proceeds shall form part of the general fund of the said Corporation, and may be applied accordingly. In case credit is given for any portion of the purchase money of such real property, the Commissioners may take security by way of mortgage to secure the same, and the Commissioners shall have all the rights, powers and remedies expressed in or implied by any mortgage given as fully as if the mortgage had been given to a private person, and every such mortgage and the proceeds thereof shall stand as security for any debentures constituting a charge on the real property at the time of sale.

Vacancies in office of commissioner.

**24.** A Commissioner who has been elected may resign his office and shall cease to hold office for the same cause as by municipal law the seat of a member of the city council becomes vacant, and in case of a vacancy in the office of Water Commissioner during the term of his office, the vacancy shall be filled in the same manner as provided in the Act in force respecting municipal institutions at the time of such vacancy as to vacancies in the council of a city, but the member so elected to fill such vacancy shall hold office during the remainder of the term for which his predecessor was elected; provided that if such vacancy occurs either by death or removal from the municipality within six months from the expiration of the term of office, the Council of the City of Windsor



Windsor may by by-law appoint a successor to fill such vacancy who shall hold office during the remainder of the term.

**25.** The powers of the Commissioners, in cases not particularly specified, shall be exercised by by-law or by resolution duly enrolled in the minute book recording the proceedings of meetings of the Commissioners which is to be kept for that purpose.

Powers of commissioners to be exercised by by-law or resolution.

**26.** Every by-law shall be under seal of the Commissioners signed by the Chairman or by such other member as the Commissioners may by resolution appoint, and by the Secretary. The minutes of each meeting of the Commissioners shall be signed by the Chairman or by such other member as the Commissioners shall by resolution appoint.

By-law to be under seal, and signed by chairman and secretary.

**27.** The said Commissioners shall elect one of their number to be Chairman of the Board of Water Commissioners, who shall hold office as Chairman until his successor is appointed, provided he so long remains a Water Commissioner.

Chairman to be appointed.

**28.** The Municipal Council of the Corporation of the City of Windsor may at any time resume control of the waterworks as now vested in the hands of the Water Commissioners, by the passing of a by-law first assented to by the electors of the said City of Windsor, and proceed with and manage the works, and in such case, all the rights, powers, authorities, immunities, duties and liabilities then belonging to the Commissioners shall be transferred to and vested in the said Corporation, but any officer or employee appointed or employed by the Commissioners in or about the construction or management of the works shall be continued until removed by the Council, unless his engagement shall sooner terminate.

Corporation of city of Windsor may resume control.

**29.** Chapter 79 of the statutes of Ontario, passed in the 37th year of Her Majesty's reign is further amended as follows :

37 V. c. 79, ss. 22, 29 and 38, amended.

(a) By adding the following words at the end of section 22 of said Act, " which shall be collected the same as other water rates or rents are collected."

(b) By inserting in the 10th line of the 29th section, after the word "manufactory," the following words "outside the municipality, or to any municipal corporation adjacent to the City of Windsor for the use of such municipal corporation or its inhabitants."

(c) By striking out the word "councillors" in the 4th line of the 38th section and inserting the word "aldermen."

**30.** Any provision of chapter 79 of the statutes of Ontario, passed in the 37th year of Her Majesty's reign, and of chapter 87 of the statutes of Ontario, passed in the 57th year of Her Majesty's reign, which is inconsistent with any provision of this Act is hereby repealed.

Provisions of 37 V. c. 79 and 57 V. c. 87, inconsistent with this Act, repeal



## SCHEDULE A.

(Section 1.)

BY-LAW No. 571.

A by-law to transfer the management and control of the Windsor water works to commissioners and to authorize the election of commissioners.  
Passed November 26th, 1888.

WHEREAS the management and control of the Windsor waterworks has hitherto been and is still retained in their own hands by the council of the town of Windsor under the authority of section 45 of the Act 37 Victoria, chapter 79.

And whereas it is now deemed necessary and expedient by the said council to relinquish the management and control of the said waterworks and to transfer the same to commissioners and to give full force and effect to section 1 and following sections down to and including section 44 of the said Act.

Therefore the corporation of the town of Windsor by the council thereof, enacts as follows :—

1. That from and after the fifteenth day of January, A.D. 1889, the waterworks of the town of Windsor shall cease to be under the management and control of the council of the said town, and shall be, and the same are hereby placed under the management of commissioners and their successors to be elected and appointed in all respects according to the provisions of and with all the powers conferred by the Act, chapter 79 of the 37th Victoria, passed by the Legislative Assembly of the Province of Ontario and entitled, *An Act respecting Waterworks in the Town of Windsor*, which commissioners shall annually receive a salary of \$50 each.

2. That two water commissioners shall be elected by the ratepayers of the town of Windsor on the last Monday in the month of December, 1888, or in the event of more than two candidates being on that day nominated for the office of water commissioner and a poll demanded, then on the first Monday in January, 1889; and each year after the year 1888, one water commissioner shall be elected at the same time as members of the municipal council are elected.

3. That by-law numbered 382 passed on the 30th June, 1882, entitled, “a by-law to provide for the working and management of the waterworks of the town of Windsor and for other purposes therein mentioned,” shall, so far as the same is not inconsistent with the intent and meaning of this by-law continue in force and effect and be binding upon all persons concerned thereby until such time as the water commissioners pass a by-law for the management of the said waterworks and to regulate and determine the water rates to be paid by parties assessed therefor; and all portions of the said by-law No. 382 inconsistent with this by-law shall cease to have effect, and become void on the 15th day of January next.

4. That this by-law shall come into force and take effect on the 26th day of November, 1888.

(Sgd.)

J. H. BEATTIE,  
Mayor.

(Sgd.)

STEPHEN LUSTED,  
Clerk.



## CHAPTER 59.

## An Act respecting the Chatham City and Suburban Railway Company.

*Assented to 17th January, 1898.*

**W**HEREAS Angus Sinclair, George P. Schofield, John B. Rankin, C. J. O'Neill, and John A. Walker, all of the City of Chatham, in the County of Kent, A. L. Shambleau, and W. D. McCrae, both of the Town of Wallaceburg, in the said County of Kent, and Sherman R. Millar, of the City of Detroit, in the State of Michigan; have by their petition prayed that an Act may be passed to amend the *Act to incorporate the Chatham City and Suburban Railway Company*, in respect of the location of the line of the railway of the said company, and by changing the incorporated and provisional directors of the said company, and extending the time for the completion of the said railway, and giving the company power to construct the railway across any other railway upon a level therewith; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Act to incorporate the Chatham City and Suburban Railway Company*, being chapter 101 of the Acts passed in the 59th year of Her Majesty's reign, is amended by striking out all the words therein down to and including the word "Middlesex" in the fifth line thereof, and substituting therefor the following: "Angus Sinclair, George P. Schofield, John B. Rankin, C. J. O'Neill, and John A. Walker, all of the City of Chatham; A. L. Shambleau, and W. D. McCrae, both of the Town of Wallaceburg, and Sherman R. Millar, of the City of Detroit."

59 Vic. c. 101,  
s. 1. amended.

Corporators.

59 Vic. c. 101, s. 2 amended. **2.** Section 2 of the said Act is amended by inserting therein after the word "Kent" in the 8th line thereof, the following:

Location of line. "thence easterly through the Township of Harwich to or near Rondeau, thence to or near or through the Town of Blenheim, and thence to the line of the said railway running along or near the said township line between the said Townships of Raleigh and Harwich to the Unincorporated Village of Charing Cross; and to extend and construct its line of railway northerly through and from the said City of Chatham along or near the township line between the Townships of Dover East and Chatham, and through the Town of Wallaceburg in the County of Kent, and thence northeasterly from the said Town of Wallaceburg to the Village of Oil Springs, and thence northerly through Oil City to the Town of Petrolia in the County of Lambton, with a branch from some point on the township line between the said Townships of Dover East and Chatham between the 1st and 5th concessions of the said Township of Dover East to the Village of Painscourt, and thence westerly to the boundary line between the Townships of Dover East and West Dover; also with a branch from some other point on the said township line between the Townships of Dover East and Chatham between the 10th and 13th concessions of the said Township of Dover East to the Village of Dover Centre and from thence to the Village of Mitchell's Bay in the said Township.

59 Vic. c. 101 s. 3 amended. Provisional directors. **3.** Section 3 of the said Act is amended by striking out the words therein down to and including the word "Rankin" in the third line thereof, and substituting the following: "The said Angus Sinclair, George P. Schofield, John B. Rankin, C. J. O'Neill, John A. Walker, A. L. Shambleau, W. D. McCrae and Sherman R. Millar."

Time for completion. **4.**—(1) The railway shall be finished within three years after the passing of this Act.

59 Vic. c. 101, s. 10 repealed. (2) Section 10 of the said Act is repealed.

Crossing other lines on the level. **5.**—(1) Notwithstanding any provision to the contrary in any other Act, the said company's railway may cross the railway of any other company upon a level therewith with the consent of such other company, or with the authority of the Railway Committee of the Privy Council of Canada.

59 Vic. c. 101 s. 11 repealed. (2) Section 11 of the said Act is repealed.

## CHAPTER 60.

## An Act respecting the Hamilton and Dundas Street Railway Company.

*Assented to 17th January, 1898.*

**W**HEREAS the Corporation of the Town of Dundas has by Preamble.  
 petition represented that the said Corporation passed a by-law respecting the Hamilton and Dundas Street Railway Company, and that the said the Hamilton and Dundas Street Railway Company and the Corporation of the Town of Dundas, entered into an agreement accepting and adopting said by-law as the agreement between the said Hamilton and Dundas Street Railway Company and the Town of Dundas; and whereas it is further represented that the Hamilton and Dundas Street Railway Company and the Toronto, Hamilton and Buffalo Railway Company entered into an agreement with respect to certain changes in the route of the Hamilton and Dundas Street Railway Company and connections with the said Toronto, Hamilton and Buffalo Railway Company; and whereas the said the Hamilton and Dundas Street Railway Company has by the said petition prayed that an Act may be passed to legalise and confirm the said by-law and agreements respectively; and, whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law of the Corporation of the Town of Dundas passed on the 18th day of May, 1897, and numbered 441 and fully set out in, and as, Schedule A to this Act, and the agreement entered into between the said Hamilton and Dundas Street Railway Company and the Corporation of the Town of Dundas bearing date the 30th day of June, 1897, and set

By-law of  
 Town of  
 Dundas, No.  
 441 confirmed.



set forth in full in, and as, Schedule B to this Act are hereby confirmed, legalized and declared to be valid and binding notwithstanding that electric cars may not have commenced to run on the said railway before the date mentioned in paragraph 7 of the said by-law.

Agreement  
between  
Hamilton and  
Dundas Street  
Railway Co.  
and Toronto  
Hamilton and  
Buffalo Ry  
Co. confirmed.

2. The agreement entered into between the Hamilton and Dundas Street Railway Company and the Toronto, Hamilton and Buffalo Railway Company bearing date the 17th day of June, 1897, and fully set forth in, and as, Schedule C to this Act is hereby confirmed, legalized and declared to be valid and binding; and further or other agreements may be made or entered into between the said two railway companies at any time subsequent to the said agreement of 17th June, 1897, and supplementary thereto or in confirmation, extension, modification or alteration thereof or of any of the terms or conditions thereof.

## SCHEDULE A.

BY-LAW No. 441.

RESPECTING THE HAMILTON AND DUNDAS STREET RAILWAY COMPANY.

Whereas it is proposed that the Hamilton and Dundas Street Railway Company shall extend their line from their present terminus in the town of Dundas to Fishers' Mills in the said town and to also connect their line at some point in the Gore of Ancaster with the line of the Toronto, Hamilton & Buffalo Railway.

And whereas it is proposed that that portion of the line after such extensions are built from the junction with the Toronto, Hamilton & Buffalo Railway to Fishers' Mills shall be utilized as a freight spur of the Toronto, Hamilton & Buffalo Railway.

And whereas the said Hamilton & Dundas Street Railway Company, hereinafter called the company, desire to have the right to operate their railway by means of electricity under the trolley system, and the said company having petitioned the municipal corporation of the town of Dundas that a new by-law should be passed and a new agreement entered into so as to provide for the said extensions and freight spur and the conversion of the railway into a trolley system if desired by the said company.

Therefore the municipal corporation of the town of Dundas enacts as follows :—

1. The said company shall extend the line of their railway from their present terminus, Hatt street, Dundas, to Fishers' Mills, in the said town, and they will so alter the route of their railway in the Gore of Ancaster or build a spur from their present line so as to connect with the Toronto, Hamilton & Buffalo Railway and they will rebuild the bridges upon their said line so that the same shall be up to the Government standard and the said line from the said point of junction to Fishers' Mills shall be laid with steel rails weighing about sixty-five pounds to the lineal yard and shall in all respects be an efficient railway line for the purpose of shunting and moving freight cars thereon making thereby a freight connection with the said railway between the said two terminal points.

The

The said company will also provide a sufficient freight station in some central part of the said town with accommodation for two coal yards and will rent the same at a reasonable rent to any coal merchants in good financial standing, and will also construct a freight siding on Hatt street in the said town for the receipt and delivery of freight, and they will also construct a "Y" or loop with sidings for freight accommodation at or near the junction of James and Bond Streets in said town.

2. The whole of the said railway and appurtenances are to be kept up and maintained by the said company in good working order and they are to permit the same to be operated as a freight line as far as such portion of the said line is concerned for the period of fifty years from the passage of this by law, and so long thereafter as the company's franchise rights hereinafter mentioned shall extend.

3. The said company also agrees to allow the said freight spur, freight station and all appurtenances to be used by the Toronto, Hamilton & Buffalo Railway Company, or any other company operating over their line as the means of carrying on a railway freight business with a daily service in the said town of Dundas with a reasonable daily accommodation for shunting and moving freight thereon. And they will give such railway companies all proper facilities for handling freight and will give them office premises, telephone and other accommodation without cost or expense to the said town; the said railway companies paying to the company such reasonable and proper rent or other charges for the accommodation aforesaid as may be agreed upon between them.

4. The said company will as part of their construction carry the terminus of the said track into the yard at Fisher's Mills if the proprietors so desire, and provided said Fishers furnish free right of way through their premises on the south side of King street as well as on the north side thereof. And in the construction of the switch or turnout at or near the canal basin they will so construct the same as to extend it towards the malt house so as to aid in the construction of a switch to that property. And they will also allow all or any of the factories or mercantile establishments of the said town to connect their factories or establishments with the line of the said company for the purpose of delivery of carloads of freight directly into or from such factories or establishments, but such connection shall be at the cost and expense of such factories or other establishments and not at the cost or expense of the company who shall have no responsibility in connection therewith. Provided always that where such switch or connection is desired to be carried along and not merely across any street of the said town, a plan of such switch shall be submitted to the council of the said town and the same shall not be constructed unless and until the said council approve thereof by resolution,

And provided that the said company at the request of any responsible merchant or manufacturer, and upon the consent of the town council being obtained, where such consent is necessary, shall construct such switches and connection with any factory or establishment upon being paid the actual cost of the material and labor required to be expended in such construction.

(a) During the operation of laying the rails, a free passage for carriages and vehicles over the streets shall be kept open, and immediately after the rails shall have been laid, the paving and macadamizing and other material necessarily removed in laying the same, shall be replaced in a good substantial manner as before such removal, and the surface of the street shall be made flush with the rails; no portion of the surface of the streets shall be kept broken or disturbed for a greater time than one week, and all surplus street material shall be carefully removed by the said company and deposited in such place or places as may be directed by the streets and sidewalks committee or the town engineer.

(b) Such railway shall be so laid that the outer rails on both sides shall be at an equal distance from the centre of the streets; the track,

switches

switches and turn-outs shall be of the gauge of four feet eight and one-half inches throughout and shall be laid in such manner as will least obstruct the free and ordinary use of the streets and passage of vehicles and carriages over the same, and the upper surface of the rails for the whole line within the town limits shall be laid and maintained flush with the surface of the streets, and shall conform to the grades thereof as they shall be established by the profile and cross sections to be made by the town engineer at the time such rails are laid, the company to grade the streets to the full width of the roadway according to such profile and cross sections where the railway is so constructed that the remainder of the roadway needs to be raised or lowered to conform to the level of the railway and to macadamize the same at their own expense, to the full width that they were macadamized before the construction of the railway, and the company shall also conform afterwards, at their own expense to the grades of the streets as they may from time to time be re-established or altered, and where there is no change of grade the roadway should be macadamized according to such profile and cross sections and to the full width of the space between the rails and two feet outside of such rails on both sides of the track, by and at the expense of the company and to the satisfaction of the town engineer, the material for such macadamizing to be supplied by the company at their own expense except that the company shall not be obliged to macadamize that portion of their line west of Market street until so directed by the town engineer and supplied by the town corporation with the material therefor. The material to be supplied by the town corporation shall be from time to time delivered by them when required by the company at such place or places near to the works as may be reasonably convenient for the purposes of the company; and the whole of the works aforesaid shall be done and completed to the satisfaction of a majority of the council; and in all cases of construction or re-laying, the switches and turn-outs shall be laid in such manner, at such places, and to such extent as the town engineer shall, under authority to be specially given by the council, direct and approve, and in case of grading, paving or otherwise if it be necessary to relay the said railway tracks or any of them such work shall be done at the expense of the railway company and to the satisfaction of the town council.

(c) The space between the rails to be laid for the railway upon any paved or macadamized street east of Market street and for two feet outside of such rails, shall be constructed and made good to the level of the surface of the rails by and at the expense of the company, and shall be thereafter by the said company and under the direction of and as required by the streets and sidewalks committee in and for the said town, maintained and kept in repair to the level of the surface of the rails with such material as the said streets and sidewalks committee may from time to time direct, the materials therefor to be supplied by or at the expense of the said town corporation, and all dirt and refuse caused by repairs to the said railway track shall be removed therefrom by the company as may be directed and required by the said streets and sidewalks committee or the town engineer, and the said company shall also construct and keep in good repair crossings of a similar character to those adopted by the said town council at the intersection of every such railway track and crossing thereof, such crossings to be laid and kept in repair by the company from curb to curb, the town corporation supplying all material therefor.

5. The said town of Dundas are to furnish right of way by use of street or otherwise for the extension of Fishers' Mills and they are also to furnish the land necessary for the "Y" or loop and freight siding near the corner of James and Bond streets, or at such other point, at or near Fishers' Mills as may be agreed upon. The said town are also to select and furnish accommodation on Hatt street for the freight siding there to be constructed and are also to allow the company to put down on Hatt street all necessary "Y's," turnouts, switches, curves, switch-heads and semaphores necessary for the working of the said railway and freight business. The whole of the said works within the town hereinafter and

hereinbefore



hereinbefore mentioned to be subject to the approval of the engineer appointed in that behalf by the said town council, and provided no further "Y's," than those at present on Hatt street and the one to be constructed at Bond and James streets shall be built without the town's consent; the company to be at liberty to build a "Y" into any new car sheds and also if necessary into a coal yard. And the said town also agrees to permit the locomotives and other engines of the Toronto Hamilton & Buffalo Railway Company or any other company operating over the said line, to pass along the streets of the said town occupied by the tracks of the said Hamilton and Dundas Street Railway Company as extended. Such locomotives and engines, however, are not to move at a greater speed within the said town than at the rate of six miles per hour, and regulations for the safe operation of the said freight business in the town of Dundas, and the safe operation of the passenger service of the Hamilton & Dundas Street Railway Company are to be agreed upon between the respective companies operating freight and passenger service respectively, and filed with the clerk of the said town.

6. The consent, permission and authority of the corporation of the town of Dundas are hereby granted to the Hamilton and Dundas Street Railway Company to alter their said railway into an electric railway and for that purpose to reconstruct and maintain the same in the same location and position or as near as may be as the same now occupies in the said town, and to add thereto the said extension to Fishers' Mills in accordance with the provisions of this by-law, and to erect and place all necessary bonding connections, poles, wires and overhead construction along the said occupied streets and the said extensions for the completion of the said railway on the trolley system, and to operate said railway by running cars thereon by means of electricity as a motive power during the whole term of the term of years hereinbefore and hereinafter specified, upon and subject to the conditions and agreements hereinafter contained, but the granting of the rights hereunder shall not be a surrender of the rights, franchises and privileges heretofore granted by this Council to the said railway company, but shall be construed as an extension and alteration of the said rights only. And it being also distinctly provided hereby that the said town relinquishes none of its rights save and except those granted specifically hereby.

7. The construction of the said electric railway shall be completed and electric cars running thereon before the first day of September, 1897.

8. The said company shall place and continue on the said railway good cars with all modern improvements for the comfort of passengers, including lighting and heating, and they shall run the cars thereon as public convenience may require. And the said company agrees that a train or car shall start from Dundas each week day morning, arriving at Hamilton at James Street about 6.40 and that there shall be a train or car started from Hamilton timed to reach Dundas about 6.50 in the evening.

9. All rights now or that may hereafter be vested in the town corporation, or in any gas company, telephone, telegraph, electric light or any other company, in respect to the care and improvements of the streets, the construction of sewers, culverts or drains, and the laying of water or gas pipes therein, or the placing of poles or wires are in no way to be affected or impaired by any privilege that may be granted to the said company; but the said railway must be laid down and maintained, subject to the rights of the said town corporation, and the said companies to take up, alter, repair or remove sewers, water and gas pipes, and to place poles and wires and subject to all other purposes within the Province and privileges of the said corporation of the town of Dundas, without claim for damages against the said corporation or any of the said companies, and the said town council expressly reserve to themselves the right hereafter to lay down or permit to be laid down in the said streets, gas or water pipes or sewers and place or permit the placing of poles and wires, and to alter,

improve



improve and repair said streets whenever the public or private convenience may require.

10. Whenever it shall be deemed necessary by the town council to pave any street occupied by the railway tracks of the said company, that portion of such street embraced between the outer lines of the rails of such tracks, switches and turnouts shall in the first instance be paved by and at the expense of the said town corporation, but thereafter during the continuance of this grant the same shall be kept in repair to the satisfaction of the Streets and Sidewalk Committee by the said railway company, the material for such repairs to be supplied at the expense of the town.

11. The privileges granted by this by-law shall extend for the term of fifty years from the passing hereof and thereafter so long as the freight line is efficiently maintained and operated. Provided always that in case the said freight line is not efficiently maintained and operated as a daily freight service of the Toronto, Hamilton, and Buffalo Railway Company or any company or companies road or roads operating or owning the same, and the freight spur scheme herein provided for fails, then and in such case the franchise rights of the said company shall not extend for the said period of fifty years and further as provided, but the company's franchise under this by-law shall cease and the company's franchise rights shall be governed by the fifteenth clause of by-law of this town, numbered 250, and the provisions of the said fifteenth clause shall in the event aforesaid be in full force between the parties.

And provided further that in the event of the said freight line being efficiently maintained and operated as aforesaid, nevertheless at the end of thirty years from the passing hereof and at the end of each subsequent period of twenty years thereafter, the said corporation may give notice in writing of their intention to refer to arbitration the terms and conditions upon which the privileges hereby granted to the company should continue for another term of twenty years, the arbitrators taking into consideration any change of circumstances caused by increase of population or otherwise, and so on from term to term and any arbitration under this section shall be subject to the provisions of the Municipal Act respecting arbitrations and references and of the Act then in force respecting arbitrations, and the arbitrators shall have all the powers given to arbitrators under the said Acts, and in case the arbitrators are of opinion that rent or mileage to the town should be awarded they may do so, and each party shall pay one-half of the costs of such arbitration, but the corporation may after the arbitrators have made their award elect to continue the privileges hereby granted upon the terms contained in this by-law instead of under the terms contained in any such award if the said corporation shall within three months after the publication of such award pass a by-law to that effect in which case the corporation shall pay the whole of the costs of such arbitration.

12. The following specifications regulating the running of the electric cars on the said railway, shall be observed by the said company.

(a) The said company may charge and collect from every person, on entering any of their cars or carriages, for riding any distance on their railway within the town in the same continuous route, a sum not exceeding five cents, except children under five years of age accompanied by parents or other persons having them in charge, such children to ride free, provided they do not occupy seats, and shall, within the town carry children between five and twelve years of age for a cash fare of three cents, or give ten children's tickets for twenty-five cents; and also carry free of charge within the town all police constables in uniform or wearing badges, and all firemen going to or from a fire.

(b) No car shall be allowed to stop on a cross walk or in front of any intersecting street, except to avoid collision or to prevent danger to persons in the streets, or for other sufficient cause; nor shall any car be left

or remain standing on any street at any time unless the same is waiting for passengers.

(c) The company may also charge a reasonable compensation for carrying packages, except parcels or hand-bags in the hands of passengers or such as are usually carried by passengers.

(d) Cars running in the same direction, or in opposite directions on the same track, shall not approach each other within a distance of 100 feet, except in case of accident, or where it may be necessary to connect them together, and also except at stations and turnouts; and the rate of speed of all cars shall be subject to the direction of the town council from time to time.

(e) While the cars are turning the corners from one street to another, they shall be run at the rate of not more than four miles an hour.

(f) There shall be not less than two men in charge of each motor car, and an additional man in charge of every trailer, and when any car is stopped at the intersection of streets to receive or leave passengers, it shall stand so as to leave the rear platform slightly over the crossing.

(g) It shall be the duty of the company to employ careful, sober and prudent conductors and motormen to take charge of their cars while on the road, and it shall be the duty of such conductors and motormen so far as may be practicable, to keep a vigilant watch for all teams, carriages and persons on foot, and especially children, either upon the track or moving towards it; and on the first appearance of danger the car shall be stopped in the shortest time and space possible.

(h) The company shall provide sufficient shelter upon its cars to protect the motormen or persons in charge of such cars during the winter season from exposure to cold, or to snow, rain or sleet while engaged in operating the cars.

(i) The conductors shall not allow any passengers to enter or leave the car while in motion.

(k) The cars, after sunset, shall be provided with color and signal lights, and a bright headlight on every motor car, and each motor car shall have a gong attached to it which shall be kept ringing at all times when approaching a crossing or when necessary to give warning.

(l) It shall and may be lawful to and for all and every person and persons whatsoever, to travel upon and use the said tracks with their vehicles, loaded or empty, when and so often as they may please, provided they do not impede or interfere with the cars of the said company running thereon.

(m) The cars shall be entitled to the track and any horse or vehicle upon the track of said company shall turn out when any car comes up so as to leave the track unobstructed, and anyone placing an obstruction on the track, except as authorized by this by-law, or the driver of any vehicle refusing to turn out when requested or signalled by the conductor of any car, shall be liable to a penalty not exceeding ten dollars and the costs of prosecution, on conviction before the mayor or Justice of the Peace, and such penalty may be imposed for every day that such obstruction may continue, but the imposition of any penalty under this by-law shall not relieve the person causing such obstruction from liability for damages or from any other penalty imposed by law; but if any person or persons shall have any cause to remove any building or other large or heavy substance, such person or persons shall be allowed reasonable and sufficient time to remove, load or unload the same without being liable to the penalty attached by this section, provided that any person or persons before removing any building along or across the railway track shall first obtain the consent in writing of the Town Council or Town Engineer for such removal.

(n) Any conductor or other employé who shall collect from any passenger more than the fare prescribed by this by-law, unless such passenger

is going beyond the town limits, shall on conviction thereof pay a fine of not less than five dollars for each offence.

(o) The said company shall keep tickets for sale at some place in the business portion of the town convenient for the people, and also upon their cars, and they shall sell tickets to persons desiring the same at a rate not exceeding twenty-five cents for six tickets for fare to any point within the town limits.

(p) The company shall also have painted in large plain letters on a conspicuous place on the outside of each car the number thereof, and the name of the route over which the car is to be run, so that such name and number may be readily seen and read by day or night, and each person employed in running a car shall, when so employed, have his number conspicuously shown on the breast of his coat.

(q) Before placing any car proposed to be used on such railway annually thereafter the company shall pay to the treasurer of the town of Dundas for the use of the town, one dollar for each such car and obtain a license therefor.

(r) It is hereby reserved to the said town council to make such further rules, regulations, orders and by-laws in relation to the construction, repairs and operations of the said railway as from time to time may be deemed necessary to protect the interests of the said town, or to provide for the safety, welfare or accommodation of the public, but no alteration in these rules shall be made which shall have the effect of impairing the substantial rights of said company. And the said town council hereby reserves the right to pass a by-law further regulating the operation of said railway, but such by-law shall not be more onerous on the company than the provisions of any Hamilton by-law in force for the time being affecting said company, and shall not be in conflict with any such Hamilton by-law.

(s) The said railway company shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of their agents or servants, in the management, construction or use of their railway, and the said company shall indemnify and hold the said corporation of the town of Dundas harmless from any damage that may be claimed by property holders, or by any person or persons on account of the laying of their tracks, or the use thereof, or the running of cars thereon, and shall indemnify the town corporation against all damages, actions, costs and expenses they may pay, incur, or be put to by reason of any such claims, or of any danger or injury from any electric system adopted by the company, and shall by the use of guard wires or other sufficient means protect all the town fire alarm wires, and all telegraph or telephone wires from contact with the electric wires which may be used by the company for the working of the railway, and will as far as possible protect all water mains from damage by electricity by electrolysis, and the company shall make good to the town corporation all damage or loss which may be caused by the works or operations of the company to any water pipes or any other property of the town.

13. The poles to be used for the company's wires shall be of wood, and as nearly as possible straight and perpendicular and painted throughout, and all poles shall be placed on the sides of the streets in such a manner as to obstruct as little as possible the use of the street for other purposes, and shade trees shall not be cut unless in case of absolute necessity, such necessity to be decided by the town engineer or the Streets and Sidewalks Committee.

14. Where necessary in cases of fire the chief of the fire brigade or person in charge of the fire brigade shall have the right to cut or pull down any wires of the company which obstruct the operations of the firemen or to direct that they shall be so cut or pulled down; and also to require the



company to stop the running of their cars to or near the building or buildings which may be on fire, and the town corporation shall not be liable for any loss or damage thus caused.

15. The company shall issue to workers (meaning men and women, including salesmen and saleswomen, who live in Dundas, but who are employed in Hamilton), tickets at a rate of not exceeding seventy-five cents for six return trips good for the journey between Hamilton and Dundas for any train running during the following hours, namely; from 6.15 a.m. to 8.30 a.m. and from 5 p.m. to 7.30 p.m. and on Saturday afternoons in addition from 12 noon to 1.30 p.m. And on the eve of holidays and on Saturday nights the workers holding such tickets shall have the right to return by any later train. And the company shall also permit *bona fide* workers holding such tickets to use the same within two weeks of their issue on other trains than the above, on satisfying the conductor that they are returning from work through sickness, or that through working on short time or for other reasonable cause they require to use trains running at hours other than those specified.

16. The said company shall also be at liberty if it shall appear that they cannot successfully operate electricity as a motive power in combination with the freight arrangements hereby contemplated, to continue to operate their said road by means of dummy engines for the period of this by-law, and notwithstanding the operations of the said road by electricity the said company shall also have liberty to use their dummy engines upon their said lines for the purpose of clearing snow, for shunting cars, for construction and repairing purposes, and in the event of any temporary diminution or break-down in the electric power or in the event of any excursion or other emergency rendering extra power necessary.

17. The said company upon conversion into the trolley system shall operate their said road for passenger purposes up to the "Y" or loop to be constructed in the neighbourhood of Fisher's Mills for one year from the opening of the said road under the trolley system, but at the expiration of the said year if the said company finds such extension of their passenger service does not produce sufficient income to show that it will ultimately pay, they may discontinue such service unless the said municipal corporation agrees to indemnify the said company against the loss that they make in operating such extension.

In which case the said company being indemnified against such loss are to continue to operate such extension so long as the said town of Dundas continue their indemnity aforesaid. And the said company agree to furnish the said town at the end of the said year's operation with an account of their receipts and expenditure received and incurred by them in the operation of such extension.

The said company shall erect a shelter for passengers at the said loop or "Y."

18. In case the said railway company shall fail to keep the streets in which their railway shall be laid in good repair according to the provisions of this by-law and shall neglect to make such repairs for two days after notice in writing from the town clerk, or other person given authority by the town council served upon the president, secretary, superintendent or other managing officer of the said railway, specifying the repairs, then, and in such case, the town corporation shall have the right to cause such repairs to be made and to collect the cost thereof from the railway company.

19. Whenever it shall be necessary to remove any snow or ice from the track or tracks, switch or turnouts of the said road, the same shall be removed from the streets by the said company or be so evenly spread on the street as not to obstruct the free passage of sleighs or other vehicles along each street, or in crossing the same at or upon cross streets, and if such snow or ice shall not be so removed and evenly spread by the company when required by notice in writing from the town clerk or other person given



given authority by the town council or other officer having charge of the streets, it may then be removed or evenly spread by the town corporation who shall be entitled to collect from the railway company the cost of such work the use of salt for the purpose of removing snow or ice from any of the said tracts is hereby prohibited.

20. And it is hereby expressly declared that the corporation of the town of Dundas shall not be held liable to the said railway company for any damage the said company may incur or sustain from the breakage of any sewer or water pipes, or for any delay that may be caused by the construction of sewers, the laying of water pipes or the necessary repairing of the same; or from any other delay or damage that may be caused by freshet, fire or otherwise, or from repairs, changes or improvements in the streets.

21. Whenever there shall occur a fall of snow which materially obstructs the tracks or whenever there is a freshet or other cause by which the running of cars is prevented over the company's tracks for a period of over four hours, the company shall, in the meantime, use sleighs or other vehicles for the conveyance of passengers between Dundas and Hamilton, until the removal of such obstruction, or until the repairing of the damage caused by the freshet is completed, which vehicles shall be run at such reasonable hours as the town council shall by resolution direct, and shall be used in the same manner as the company's ordinary cars, and the company may charge a fare for the carriage of passengers in such sleighs or other vehicles at the same rate as for carriage in their cars.

22. In all other respects the provisions of By-laws of said town number 250 and number 255, relating to the said road, not inconsistent herewith and not inconsistent with the changes hereby contemplated, shall remain in full force.

23. This by-law and the powers and privileges hereby granted shall not take effect unless formally accepted by the said company on or before the first day of July, 1897, and until this by-law takes effect the said railway may be operated as heretofore, and provided that the passenger service by electricity hereby granted shall not commence until the freight service is in operation.

24. The said company or the corporation may apply to the legislature of Ontario at the company's expense to legalize the terms of this by-law and the agreement of the company following the same.

{  
Corporate Seal  
of the Town  
of Dundas.  
}

(Sd.) T. A. WARDELL,  
Mayor.

(Sd.) JAMES MORE,  
Town Clerk.

## SCHEDULE B.

THIS AGREEMENT made in duplicate this thirtieth day of June, one thousand eight hundred and ninety seven, between the Hamilton and Dundas Street Railway Company, hereinafter called "the company" of the first part, and the corporation of the town of Dundas, hereinafter called "the corporation," of the second part.

Whereas by a by-law of the said "the corporation," numbered four hundred and forty-one, respecting the Hamilton and Dundas Street Railway Company, a certified copy whereof is hereto annexed, permission is granted by the council of the said "the corporation" to the company to  
alter

alter its said railway into an electric railway under the trolley system, and for that purpose to reconstruct and maintain the same in the same position and location or as near as may be, as the same now occupies in the said town of Dundas, and to add thereto an extension from their present terminus in Dundas to Fishers' Mills in said town, and to erect and place all necessary bonding connections, poles, wires, and overhead construction along all streets occupied by said company, and to operate said railway by means of electricity as a motive power, and to alter the route of their railway in the Gore of Ancaster or build a spur from their present line so as to connect with the Toronto, Hamilton and Buffalo Railway, besides observing certain other matters, conditions and provisoes in said by-law set forth; and whereas by the Act incorporating the company, and by the *Electric Railway Act of 1895*, the council of the said town and the company are respectively authorized to make and enter into agreements or covenants relating to the construction of the said railway and other matters more particularly set forth in said Act.

Now this agreement witnesseth that the parties hereto for themselves and their successors and assigns respectively covenant and agree to and with each other as follows :—

1. The company doth accept the said by-law in the recital hereof mentioned and agrees to the conditions, restrictions, provisoes and agreement therein contained and to be bound thereby and doth agree to abide by, fulfil, perform and carry out all and singular the agreements, burdens and stipulations which are imposed upon the company by the said by-law.

2. And the corporation doth covenant and agree in consideration hereof that the company shall enjoy the privileges granted and conferred upon it by the said by-law, subject only to the restrictions, stipulations and agreements in the said by-law contained.

As witness the corporate seals of the company and the corporation and the hands of the president and secretary of the company, and of the mayor and clerk of the corporation.

Signed, sealed and delivered in the presence of

N. McPHERSON,	B. B. OSLER,	
As to execution by the	President.	
Hamilton & Dundas	H. C. GWYN,	{ Corporate Seal }
Street Ry. Co.		{ H. & D. Ry. }
	T. A. WARDELL,	
	Mayor.	
H. C. GWYN,	JAMES MOORE,	{ Corporate Seal }
As to execution by the Cor-	Clerk.	{ Town of }
poration of Dundas.		{ Dundas. }

### SCHEDULE C.

THIS AGREEMENT made the seventeenth day of June, 1897, between the Hamilton & Dundas Street Railway Company hereinafter called the H. & D. Co. of the first part, and the Toronto Hamilton & Buffalo Railway Company hereinafter called the T. H. & B. Co., of the second part, whereby the parties agree as follows :—

1. The H. & D. Co. will change their route so as to make a connection between their track and the T. H. & B. Co's tracks at a point on the lands of one George Bamberger in the Gore of Ancaster, or at such other point as may be selected by W. T. Jennings, engineer.

2.

2. The H. & D. Co. will construct an extension of their line from the present terminus at Dundas to Fisher's Mills in the said town with sufficient sidings at or near the junction of Bond and James streets in the said town for the produce and coal trade of the townships of Beverley and West Flamboro, and they will furnish a freight station and suitable freight sidings in a more central point in the town of Dundas, and they will also rebuild their bridges between the point of junction near Bamberger's and the town of Dundas so that all structures shall be of the government railway standard, and the whole of the said track from the point of junction of the T. H. & B. Co. and Fishers' Mills shall be laid with steel rails weighing about 65 pounds to the lineal yard, and the said H. & D. Co. shall maintain within the period of this agreement the whole of the said works with all suitable turnouts and switches fit for the passage of locomotives and freight cars so that the T. H. & B. Co. and other railways connected therewith may in an efficient way receive and deliver freight from and to the town of Dundas and the junction between the H. & D. Co's track and the T. H. & B. Co's track.

3. The H. & D. Co. are to appoint an agent and to provide the necessary clerical service, office and telephone accommodation required to satisfactorily conduct the business in the said town of Dundas, subject to the approval of the T. H. & B. Co.

4. The H. & D. Co's passenger service is to have the first right of track; but the H. & D. Co. is to so arrange its passenger schedule as to give the T. H. & B. all necessary time and accommodation for performing the freight service contemplated by this agreement.

5. No engine or car of the T. H. & B. Co. upon the H. & D. Co's track shall be moved at a faster rate than six miles per hour in the town of Dundas and eight miles per hour elsewhere, and the managers of the said companies shall make regulations from time to time as to the method by which the said freight service is to be conducted, first regard being had to the absolute safety of the passenger cars of the said H. & D. Co.

6. The said T. H. & B. Co. shall pay to the said H. & D. Co. for the use of the said tracks and for the accommodation aforesaid the clear yearly sum of \$2,750 by quarterly payments payable on the first days of October, January, April and July in each year, and the said T. H. & B. Co. shall also pay to the H. & D. Co. by similar quarterly payments on the said dates the sum of \$1,500 per annum subject to be increased or reduced as hereinafter provided; the said last sum being estimated as the amount required for the renewal and maintenance of that part of the said track which will be exclusively used by the T. H. & B. Co. and of about 400 feet of track being the extra length of main line which the change of route aforesaid calls for and for half the amount required for the renewal and maintenance of that portion thereof which is used in common by the two companies; the said sum is also calculated to include one-half the municipal taxes, a sufficient amount to cover the repairs and taxes on the freight station, and one-half the salary of the agent and the clerical office and telephone expenses at Dundas; and one-half the special maintenance of embankments and waterways under the contract of the H. & D. Co. with the town.

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7. Upon the lapse of two years after working under this agreement either party may claim that the said sum of \$1,500 is too much or too little to pay for the expenditure and other matters provided for in the last paragraph, and thereupon if the parties cannot agree, the matter shall be referred to some disinterested railway engineer or manager to settle the proper amount to be paid for the above items, and at the end of each subsequent period of five years a like readjustment is to be made at the request of either of the parties hereto; and the T. H. & B. Co. may at any time undertake the renewal and maintenance of any portion of the said line which is exclusively used by them for freight purposes, in which case there shall be abated from the said sum of \$1,500, or other substituted

sum, the cost of such maintenance and renewal so undertaken as aforesaid by the T. H. & B. Co.

8. This agreement shall continue and be in force for a period of twenty-one years, commencing from the date when the said connection shall be completed, which date shall be endorsed hereon by W. T. Jennings, the engineer in charge of the said works, and there shall be added the further term of twenty-nine years hereto if the same is legal or is hereafter legalized, and either party may apply to Parliament or to the Legislature or both to ratify and confirm the same.

In witness whereof the companies have affixed their corporate seal, and have caused the signature of their proper officers to be attached.

{ Corporate Seal of the  
Hamilton & Dundas  
Street Railway Co. }

{ Corporate Seal of The  
Toronto, Hamilton &  
Buffalo Railway Co. }

Attest,  
C. F. Cox,  
Secretary.

B. B. OSLER,  
President H. & D. Co.

W. S. McBRAYNE,  
Secretary H. & D. Co.  
Toronto, Hamilton & Buffalo  
Railway Company.

By,  
M. BECKLEY,  
President.



## CHAPTER 61.

## An Act respecting The Kingston, Portsmouth and Cataraqui Electric Railway Company.

*Assented to 17th January, 1898.*

## Preamble.

WHEREAS The Kingston, Portsmouth and Cataraqui Electric Railway Company has by petition represented that at a meeting of the shareholders of the said Company, held after due notice on August 19th, A.D. 1895, for the purpose of authorizing the issue of bonds to raise money for the use of the Company, a by-law was passed unanimously declaring it expedient to issue gold bonds to the amount of two hundred thousand dollars bearing interest at four per cent. per annum and dated the fifth day of July, A.D. 1895, and that pursuant to and in conformity with the above in part recited by-law bonds were issued; and whereas it is represented that doubts have arisen as to the validity of said by-law, and the said Company have petitioned that for the purpose of removing all doubts as to the validity thereof an Act may be passed to confirm and legalize the said by-law; and whereas it is expedient to grant the prayer of said petition; and whereas it is expedient to declare the rights of the Company in regard to any passenger refusing to pay his fare or otherwise acting in an improper manner;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

By-law for  
issue of bonds  
confirmed.

1. The said by-law of The Kingston, Portsmouth and Cataraqui Electric Railway Company, set out in Schedule A hereto, is hereby confirmed and declared valid to all intents and purposes, and the bonds issued under said by-law are hereby declared valid and binding upon the said Company.

2. Any passenger refusing to pay his fare may with his baggage, by the conductor of the train and the servants of the Company, be put out of the cars at any usual stopping place or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force.

Ejection of  
passengers  
refusing to  
pay fare,  
etc.

## SCHEDULE A.

### (Section 1.)

By-law of the Kingston, Portsmouth and Cataraqui Electric Railway Company to authorise the issue of bonds of the amount of \$200,000 in sums of \$1,000 each.

Whereas at a meeting of the shareholders of said Company held after due notice, for the purpose of authorizing the issue of bonds to raise money for the use of the Company, it was declared expedient to issue gold bonds for \$200,000 for the purposes and on the security hereinafter mentioned.

Be it therefore enacted by the shareholders of the Kingston, Portsmouth and Cataraqui Electric Railway Company that the Board of Directors is hereby authorized to issue under the seal of the Company 200 bonds of the Company for the sum of \$1,000 each, to bear interest at the rate of four per cent. from the 5th day of July, 1895, payable semi-annually at the office of the Company in the city of Kingston, the principal payable in gold thirty-eight years from said date of issue. The said bonds and the coupons annexed shall be a mortgage of all the property, tolls and income of the Company for securing repayment of the amount of the principal and interest thereof. The directors of the Company are hereby authorized to execute said bonds and the interest due thereon by a mortgage to a trustee of the whole of the property, assets, rents and revenues of the Company, present and future, and to grant to the trustee named in said mortgage such powers, rights and remedies for the security of bondholders as they may see fit. The directors of the Company are hereby authorized to dispose of said bonds at such rate, not less than seventy-five cents on the dollar, to such persons as they may see fit, or to exchange at par any part of said issue for outstanding bonds of the Company.

## CHAPTER 62.

## An Act respecting The Sandwich, Windsor and Amherstburg Railway.

*Assented to 17th January, 1898.*

Preamble.

**W**HEREAS The Sandwich, Windsor and Amherstburg Railway hereinafter called the Company have by their petition represented that they have since the passing of the Act relating to the Company in the fifty-sixth year of Her Majesty's reign chaptered 97 constructed certain portions of their railway as heretofore authorized and some parts thereof were so constructed during the year 1897, and have prayed that the action of the Company in that respect may be confirmed and that the Company may have further time for the construction of the lines of railway heretofore authorized and may be empowered to acquire lands for the purpose of park or pleasure grounds; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Construction of works not yet constructed authorized.

**1.** The Company is hereby authorized to construct, complete, maintain and operate so much of the lines of railway heretofore authorized as have not already been constructed, and the construction by the Company of the portions of their lines of railway already constructed is hereby confirmed, and such portions are and shall continue to be the line of railway of the Company in the same manner and as fully to all intents and purposes as if they had been constructed within the times heretofore limited in that behalf.

Power to acquire lands for parks, etc.

**2.** The Company is hereby authorized to purchase, lease or acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands

or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and to improve and lay out such lands as parks or places of public resort, and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds; provided that none of the foregoing provisions of this section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the Company are situate, shall by by-law have declared its or their assent to the Company acquiring lands under and for the purpose mentioned in this section; provided that such park or pleasure grounds shall not be open to the public on the Lord's Day to be used for games, picnics, concerts, excursions or other public entertainments; provided that the total acreage of lands acquired by the Company for park purposes shall not exceed 300 acres; provided that nothing in this section contained shall be deemed to enable the Company to carry on the general business of a land company.

Proviso.

3. The Company may enter into an agreement with any other company or companies if lawfully authorized to enter into such agreements, or with any person or persons for leasing, hiring or use of any electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also may enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, electric motors, carriages, cars, rolling stock and other movable property of the other or others of them for the running of the cars or carriages of the Company over the track of any other railway Company with the consent of such company on such terms as to compensation and otherwise as may be agreed upon.

Agreements with other companies.

4. The lines of railway of the Company heretofore and hereby authorized to be constructed shall be completed on or before the 1st day of December, 1898.

Time for completion of line.

5. Nothing in this Act contained shall affect or prejudice any rights the subject of any litigation now pending.

Pending litigation not affected.



## CHAPTER 63.

## An Act to Incorporate the Smith's Falls, Rideau and Southern Railway Company.

*Assented to 17th January, 1898.*

## Preamble

WHEREAS James Maitland Clark, John Reeve Lavell, Alpheus Patterson, Samuel Martin Barnes, Richard Alexander Bennett, Matthew Ryan, Robert J. Brodie, Adam Foster, Robert Hawkins, George T. Martin and Alexander Gray Farrell, all of the Town of Smith's Falls in the County of Lanark, have by their petition prayed for an Act of incorporation under the name of "The Smith's Falls, Rideau and Southern Railway Company," for the purpose of constructing and operating electric railways in, through and from the Town of Smith's Falls, in the County of Lanark, passing through the Townships of South Elmsley, South Burgess, Bastard, South Crosby and Kitley, through or near the Villages of Portland, Jones' Falls and Toledo, in the County of Leeds, to the said Town of Smith's Falls; and from the said Town of Smith's Falls through the Township of Montague, in the County of Lanark, the Townships of Wolford, Oxford and Augusta, in the County of Grenville, and the Townships of Elizabethtown, Kitley and South Elmsley, in the County of Leeds, passing through or near the Villages of Merrickville, Oxford Mills and North Augusta, in the said County of Grenville, to the said town of Smith's Falls; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Incorporation

1. The said James Maitland Clark, John Reeve Lavell, Alpheus Patterson, Samuel Martin Barnes, Richard Alexander Bennett, Matthew Ryan, Robert J. Brodie, Adam Foster, Robert Hawkins, George T. Martin and Alexander Gray Farrell, and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate

corporate and politic under the name of "The Smith's Falls, Rideau and Southern Railway Company," hereinafter called "the Company."

2. The Company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair iron or steel railways to be operated by electricity, with double or single iron or steel tracks with all necessary switches and turnouts, within the limits of the Town of Smith's Falls, and from thence passing through the Townships of South Elmsley, South Burgess, Bastard, South Crosby and Kitley, through or near the Villages of Portland, Jones' Falls and Toledo in the County of Leeds to the said Town of Smith's Falls; and from the said Town of Smith's Falls through the Township of Montague, in the County of Lanark, the Townships of Wolford, Oxford and Augusta, in the County of Grenville, and the Townships of Elizabethtown, Kitley and South Elmsley, in the County of Leeds, passing through or near the Villages of Merrickville, Oxford Mills and North Augusta, in the said County of Grenville, to the said Town of Smith's Falls, and the said railways or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in *The Electric Railway Act*, contained, and under and subject to any agreements between the Company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Electric Railway Act*, and in *The Municipal Act*, and any Act or Acts amending the same.

Location of line.

Rev. Stat. c. 209.

Rev. Stat.,<sup>a</sup> cc. 209, 223.

3. The capital stock of the Company shall be \$300,000, divided into 3,000 shares of \$100 each.

Capital stock.

4. The head office of the Company shall be at the Town of Smith's Falls.

Head office.

5. The said James Maitland Clark, John Reeve Lavell, Alpheus Patterson, Samuel Martin Barnes, Richard Alexander Bennett, Matthew Ryan, Robert J. Brodie, Adam Foster, Robert Hawkins, George T. Martin and Alexander Gray Farrell with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Provisional directors.

**Meetings of provisional directors.** **6.** Meetings of the provisional board of directors of the company shall be held in the town of Smith's Falls or at such other place as may best suit the interests of the company.

**Quorum.** **7.** The affairs of the company shall be managed by a board of directors, a majority of whom shall constitute a quorum.

**When powers begin.** **8.** When, and so soon as \$75,000 of the authorized capital stock has been subscribed and 20 per cent. upon such subscription has been paid in cash into some chartered bank in the Town of Smith's Falls, to the credit of the company, the provisional directors shall call a general meeting of the shareholders for the purpose of electing directors, giving at least two weeks' notice in the *Ontario Gazette*, and in one newspaper published in the Town of Smith's Falls, of the time, place and object of such meeting; and at such general meeting the shareholders present either in person or by proxy who have paid at least 10 per cent. on the amount of stock subscribed for by them, shall, from the shareholders possessing the qualifications hereinafter mentioned, elect the number of directors prescribed by section 10 of this Act.

**Who shall be directors.** **9.** No person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company upon which all calls have been paid.

**Board of directors.** **10.** The board of directors of the company shall consist of not less than five and not more than seven persons or such other number as shall be from time to time determined by by-law of the company; but no such by-law shall be valid or acted upon unless it is approved at a special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company are present in person or represented by proxy, or until a copy of the by-law has been certified, under the seal of the company, to the Provincial Secretary, and has been published in the *Ontario Gazette*.

**Liability of stockholders.** **11.** No stockholder shall be personally liable for the promises, contracts, debts, undertakings, tolls or liabilities of the company beyond the amount remaining unpaid upon stock held by him and to that extent only after the other assets (if any) of the company shall be realized upon.

**Forfeiture of shares.** **12.** The directors may forfeit the shares in the undertaking of any shareholder neglecting or refusing to pay a ratable share of any call for the space of two months after the time appointed for the payment thereof, and may sell such forfeited shares by auction or public tender.

**Annual meeting.** **13.** The general annual meeting of the shareholders of the company for the election of a board of directors and the transaction

saction of other business connected with or incidental to the undertaking shall be held at the head office of the company or elsewhere as the directors may deem most convenient, on such day and at such hour as may be directed by the by-laws of the company, and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette* and once a week for the same period in some newspaper published in the Town of Smith's Falls. A copy of such *Gazette* and such newspaper containing such notice shall on production thereof be evidence of the sufficiency of such notice.

14. Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in the last preceding section. Special meetings.

15. The gauge of the company's railway shall be four feet eight and one-half inches. Gauge.

16. The directors may pay or agree to pay in paid-up stock or in bonds of the company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, buildings, erections, machinery, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for purchasing the right of way, material, plant or rolling stock, whether such promoters or other persons be directors or not, and any agreement so made shall be binding on the company. Appropriation of stock for construction purposes.

17. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith, with the consent of such other company, or with the authority of the Railway Committee of the Privy Council of Canada. Level crossings.

18. The company shall have power and authority :—

General powers.

1. To receive, hold and take all voluntary grants and donations of land or other property made to it to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only.

2. To purchase, hold and when authorized in the manner mentioned in *The Electric Railway Act, 1895*, take of any corporation or person any lands or other property necessary for the construction, maintenance, accommodation and use of the railway, and the purposes of the company, and also to alienate, sell or dispose of the same. Rev. Stat. c. 209.



3. To purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

4. To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary for the working of the railway and the accommodation and use of the passengers, freight and business of the railway.

5. To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company.

6. To purchase or hire electric power from any municipality or other corporation, company or person and to operate any part of its railway as an electric railway, and to construct, maintain and operate works for the production of electricity for motive power for the said railway, and for lighting and heating the rolling stock and other property of the company, and the company may sell or lease the electricity and power so produced to any person or corporation; and for such purposes, the company shall possess the powers, rights and privileges conferred upon joint stock companies incorporated under *The Act respecting Companies for Supplying Electricity, Steam Heat and Natural Gas for Heat, Light, or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this sub-section.

Rev. Stat.  
. 200.

7. To enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times, and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the electric, motors, carriages, cars, rolling stock and other movable property of the other or others of them for the running of the cars or carriages of the company over the track of any other railway company, with the consent of such company, on such terms as to compensation and otherwise as may be agreed upon.

8. To purchase the right to convey electricity required for the working of the railway and lighting or heating the same or to be supplied or sold or leased under the provisions of this Act

over.

over, through or under lands other than the lands of the company, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, or as to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same, or to endanger or injuriously affect the same or injuriously to interrupt the navigation of such waters.

9. To erect and construct buildings, plant and machinery at any convenient point or points along its lines of railway for the purpose of receiving fruit, milk, cheese, goods and merchandise, and the company may hold and store the same by a system of cold storage at such rates and upon such terms as shall from time to time be specified by the by-laws of the company, which by-laws the directors are hereby empowered to make.

10. To take, transport, carry and convey persons and goods express and mail matter on the railway and to regulate the time and manner in which the same shall be transported.

11. To substitute sleighs or other conveyances for railway carriages during the winter months upon the route of their railways as occasion may require.

12. To purchase, lease or acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and to improve and lay out such lands as parks and places of public resort, and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; subject, however, to the power of the municipality to pass by laws to regulate the use of such public parks and pleasure grounds; provided that none of the foregoing provisions of this sub-section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipi-

palities wherein the lands proposed to be acquired by the company are situate, shall by by-law have declared its or their assent to the company acquiring lands under and for the purpose mentioned in this sub-section; provided that such park or pleasure grounds shall not be open to the public on the Lord's Day to be used for games, picnics, concerts, excursions or other public entertainments; provided that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; provided that nothing in this sub-section contained shall be deemed to enable the company to carry on the general business of a land company.

13. To construct an electric telegraph line and a telephone line in connection with its railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the power conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being Chapter 192 of the Revised Statutes of Ontario, 1897, is hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; provided, also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

14. To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway in pursuance of and according to the meaning of this Act.

Regulations  
as to rails and  
grades.

19. On all public streets, roads and highways along which the railway is authorized to pass and unless the company and the council of the municipality having control of such roadway otherwise agree, the rails of the railway shall be laid (as nearly as practicable) flush with the roadway, and the railway track shall conform to the grades of the same and shall be laid so as to cause the least possible impediment to the ordinary traffic of the streets.

Use of tracks  
by ordinary  
vehicles.

20. On all public streets, roads and highways along which the railway is authorized to pass all other ordinary vehicles may use and travel in the said tracks, provided they do not unduly interfere with or impede the running of the cars or other conveyances of the company; and in all cases any carriage or other vehicle on the track shall immediately by leaving the track give place to the cars or other conveyances of the company.

Interchange  
of traffic with  
other com-  
panies.

21. The company may agree with the Canadian Pacific Railway Company and the Brockville, Westport and Sault Ste. Marie Railway Company, and with the Dominion Express Company and the Canadian Express Company or any of them,



them, if lawfully empowered to enter into such agreement, for the interchange of cars and traffic and for connections and running arrangements, upon terms to be approved of by two-thirds in value of the shareholders of the company at a special general meeting to be held for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof.

**22.** The fares to be charged by the company shall not exceed a rate per mile of three cents, but the company shall not be bound to carry any passenger any distance for less than five cents; provided that the fare shall not exceed five cents for each passenger for carriage within the limits of the Town of Smith's Falls; the return ride to be charged for separately. Children under ten years of age shall be carried for half fare, but children in arms shall be carried free.

**23.** The company may make special rates for the carriage of cheese, milk and fruit and other perishable freight.

**24.** Any passenger refusing to pay his fare may with his baggage, by the conductor of the train and the servants of the company, be put out of the cars at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force.

**25.** No person shall be entitled to carry or to require the company to carry upon their railway, aqua fortis, oil of vitriol, gunpowder, lucifer matches, or any other goods which, in the judgment of the company, are of a dangerous nature; and if any person sends by the railway such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book-keeper or other servant of the company with whom the same are left, he shall forfeit to the company the sum of \$20 for every such offence.

**26.** The company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact.

**27.** The directors of the company under the authority of the shareholders to them given at any special general meeting called for the purpose at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company who have paid all calls due thereon are present in person or represented by proxy may subject to the provisions in this Act contained, issue bonds, debentures or other securities to the extent limited by this Act for each and every mile of single track of the said railway and extensions and branches;



branches ; such bonds, debentures or other securities shall be signed by the president or other presiding officer and counter-signed by the secretary which counter-signature and the signature of the coupons attached to the same may be engraved ; and such bonds, debentures or other securities may be made payable at such time and in such manner and at such place or places in Canada or elsewhere and may bear such rate of interest not exceeding six per cent. per annum as the directors may think proper ;

(a) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purposes of raising money for prosecuting the said undertaking, or they may pledge the said bonds, debentures or other securities for the purpose of procuring the rails, fish plates, and electric plant necessary for the undertaking.

(b) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(c) The power of issuing bonds by this Act conferred upon the company hereby shall not be construed as being exhausted by such issue, but such power may be exercised from time to time upon the bonds constituting such or any issue being withdrawn or paid off and duly cancelled, but no bond or debenture shall be issued until 20 per centum of the subscribed capital has been actually expended on the work.

(d) The whole amount of the issue of such bonds shall not exceed in all the sum of \$14,000 for each and every mile of single track of the company's railway and extensions and branches.

(e) Such bonds shall be issued only in proportion to the length of the railway constructed or under contract to be constructed.

(2) The company may secure such bonds, debentures or other securities by a mortgage deed, creating such mortgages charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as are described in the said deed ; but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made under this Act, and next to the payment of the working expenses of the railway as in this Act defined, other than the interest on mortgage or debenture indebtedness.

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities or the trustees named in such deed all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act as the case may be ; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary of which deposit notice shall be given by the company in the *Ontario Gazette*.

(c) It shall not be necessary in the exercise of the powers as to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or to be created by any bond, debenture or other security issued or mortgage deed executed under the authority of this Act that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act*, Rev. Stat. c. 148. or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it shall upon the same being deposited in the office of the Provincial Secretary have full force and effect and priority according to the time of deposit and shall form a lien and incumbrance upon any personal property or chattels therein embraced to all intents and purposes as therein expressed and set forth as if the provisions of the said *Bills of Sale and Chattel Mortgage Act*, or any Act requiring registration or renewal of mortgages of chattels have been fully complied with.

(3). Until they have been surrendered and lawfully cancelled the bonds, debentures or other securities hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company and the privileges acquired under this Act, and the franchise and undertaking, tolls and income, rents and revenues and real and personal property thereof at any time acquired, save and except as provided for in the next preceding sub-section.

(a) Each holder of the said bonds, debentures, or other securities shall, until they have been surrendered and lawfully cancelled, be deemed to be a mortgagee or incumbrancer upon the said securities pro rata with all other holders and no proceedings authorized by law, or by this Act shall be taken to enforce payment of the said bonds, debentures, or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

4. If the company makes default in paying the principal or interest on any of the bonds, debentures, or other securities hereby authorized at the time, when the same by the terms of the bond, debenture, or other security, becomes due and payable then at the next annual general meeting of the company and at all subsequent meetings, all holders of bonds, debentures, or other securities, so being and remaining in default, shall in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(a) The rights given by this sub-section shall not be exercised by any such holder unless it is so provided by the mortgage deed nor unless the bond, debenture or other security in respect of which he claims to exercise such rights has been registered in his name in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities and any transfers thereof thereafter in the same manner as shares or transfers of shares.

(b) The exercise of the rights given by this sub-section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of any such mortgage deed.

5 All bonds, debentures or other securities hereby authorized may be made payable to bearer and shall in that case be transferable by delivery until registration thereof as herein before provided and while so registered they shall be transferable by written transfers registered in the same manner as in the case of the transfer of shares.

6. Any lands or chattel property which have become no longer useful or necessary for the purposes of the company may be released by the trustees of any mortgage securing the bonds of the company if a provision for such release is contained

contained in the mortgage and thereafter such released lands or chattel property shall be held freed and discharged from any lien created by the said mortgage or by any of the Acts relating to the company in favor of the said bondholders.

28. The company may become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the company or other officer authorized by the by-laws of the company shall be binding on the company; and every such promissory note or bill of exchange so made, drawn, accepted or endorsed shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary or other officer so authorized be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without proper authority; provided however that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Negotiable  
instruments.

29. The several clauses of *The Electric Railway Act*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company, and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act; but section 37, sub-sections 9, 10 and 11 of section 43 and sub-section 5 of section 57 of the said *Electric Railway Act* shall not apply to the company or its railways.

Provision of  
Rev. Stat.  
c. 209,  
incorporated.

Rev. Stat.  
c. 209.

30. The said railway shall be commenced within two years and completed within five years after the passing of this Act and at the expiration of such last mentioned period the powers of the company as to any part of the railway then uncompleted shall cease.

Commence-  
ment of work.



## CHAPTER 64.

## An Act to amend the Act incorporating The Strathroy and Western Counties Railway Company.

*Assented to 17th January, 1898.*

Preamble.

**W**HEREAS The Strathroy and Western Counties Railway Company was duly incorporated by an Act passed in the 56th year of Her Majesty's reign, chapter 99, and by the said Act, the said company was duly authorized and empowered to construct the railway in the said Act mentioned; and whereas the Strathroy and Western Counties Railway Company have done certain construction work and have expended certain monies thereon, but owing to the unsettled state of the money market, have been unable to make such financial arrangements as would enable them to proceed with the organization and the construction of the railway; and whereas the time limited for the commencement of the said railway has expired and the said company has by its petition prayed that the time for commencement and completion of the railway may be extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

56 V. c. 99,  
s. 50 repealed.

**1.** Section 50, of the Act passed in the 56th year of Her Majesty's reign, chapter 99, is repealed, and subject to the provisions hereinafter contained, the said Act is hereby declared to be and to have continued to be in force in the same manner and to the same extent as if the said section 50 had not been enacted.

Commence-  
ment and  
completion.

**2.** The said railway shall be commenced within three years and completed within six years after the passing of this Act.

## CHAPTER 65.

An Act to amend the Act of Incorporation of the Toronto and Scarborough Electric Railway, Light and Power Company (Limited).

*Assented to 17th January, 1898.*

WHEREAS a petition has been presented by the Toronto and Scarborough Electric Railway, Light and Power Company (Limited), praying that an Act may be passed empowering the Company to construct and operate their railway along Queen Street East, across the municipality of the Village of East Toronto; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Toronto and Scarborough Electric Railway, Light and Power Company (Limited), are hereby authorized and empowered to construct, maintain, complete and operate (on all days except Sundays), and from time to time to remove, change and repair as required, an iron or steel railway track or tracks, with the necessary sidetracks, switches and turn-outs, for the passage of cars and other vehicles adapted to the same, over, along and upon the original allowance for a road between the first concession from the Bay and the broken front thereof, known as Queen Street East, from its intersection with the westerly limit of the Village of East Toronto to its intersection with the easterly limit of the said Village, and save as varied by this Act, upon, under and subject to all the terms, covenants agreements, conditions and obligations contained in the agreement, dated the 16th day of November, 1892, made between the Corporation of the Village of East Toronto and the said Railway Company, which is incorporated in and confirmed by the Act of Incorporation of the Company, passed by the Legislative Assembly of the Province of Ontario, in the fifty-sixth year of the reign of Her Majesty Queen Victoria (1893), chapter 102, without let or hindrance from the said municipality, or any person or persons whomsoever.

Location of line on Queen street.

Powers of Act  
not to be exer-  
cised until  
agreement  
entered into  
for special  
class of tickets.

2. The powers by this Act conferred shall not be exercised by the said Toronto and Scarborough Electric Railway, Light and Power Company, Limited, until the said company has entered into an agreement with the Toronto Railway Company for the issue of a special class of return tickets from any point on the line of the said The Toronto and Scarborough Electric Railway, Light and Power Company, Limited, in the Village of East Toronto, to any point on the line of the Toronto Railway in the City of Toronto, at the rate of ten cents for each return or round trip ticket, to be good between the hours of six o'clock and eight o'clock in the forenoon and between the hours of five o'clock and half-past six o'clock in the afternoon on the Toronto Railway, and five o'clock and seven o'clock on the Toronto and Scarborough Electric Railway; and also for a special class of return tickets at the rate of ten cents for each return or round trip ticket to be good on statutory holidays and civic holidays in the City of Toronto or the Village of East Toronto, and on Saturday from twelve o'clock noon to seven o'clock in the afternoon; and also for the issue of a special class of return tickets from any point on the line of The Toronto and Scarborough Electric Railway, Light and Power Company, Limited, in the Village of East Toronto, to any point on the line of the Toronto Railway in the City of Toronto, at the rate of fifteen cents for each return or round trip ticket, to be good during all the hours of the day; and the said The Toronto and Scarborough Electric Railway, Light and Power Company, Limited, shall issue the said classes of tickets and sell the same at the said rates good from any point on the line of the said Company in the Village of East Toronto to any point on the line of The Toronto Railway in the City of Toronto and return, and transfer arrangements shall be made if necessary.

Hours at  
which cars  
to run.

3. The said Company shall operate and run a car or cars over its line from the terminus of its line at the junction of the Kingston road with Queen street to the corner of Gerrard and Main street in the said village, at least every half hour between the hours of six o'clock in the forenoon and half-past eleven o'clock in the afternoon, the Company to run the last car from the said Junction to the Village of East Toronto at half-past eleven o'clock in the afternoon.

Transfers to  
and from  
Queen street  
line.

4. Passengers from any point on the railway in the Village of East Toronto to Munro Park shall be entitled on payment of one single fare to a free transfer at the Woodbine Junction to the cars of The Toronto Railway running east to the Park, and passengers from Munro Park to any point on the railway in the Village of East Toronto shall be entitled on the payment of one single fare to a free transfer at the Woodbine Junction to the cars of the Toronto and Scarborough Railway running to any part of the village.

## CHAPTER 66.

## An Act to incorporate The Toronto and York Radial Railway Company.

*Assented to 17th January, 1898.*

**W**HEREAS Wilnot Deloui Matthews, of the city of Tor-  
 onto, in the County of York, grain dealer; Edward Frederick Clarke, of the City of Toronto aforesaid, insurance manager; Charles Henry Ritchie, of the City of Toronto aforesaid, one of Her Majesty's Counsel learned in the law; James Gunn, of the City of Toronto aforesaid, superintendent, and Archibald Campbell, of the Town of Toronto Junction, in the County of York, merchant miller, have prayed for incorporation under the name of "The Toronto and York Radial Railway Company," and for power to acquire and take over the franchises, rights, powers, privileges and property of the several and respective railway companies hereinafter mentioned, and for other powers; and it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Wilnot Deloui Matthews, Edward Frederick Clarke, Charles Henry Ritchie, James Gunn, and Archibald Campbell, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby incorporated and constituted a body politic and corporate under the name of "The Toronto and York Radial Railway Company," and are hereinafter referred to as "the company."

Incorporation.

2. The expression "the vendors," wherever the same occurs in this Act, shall mean all or any of the following companies, namely: The Toronto and Scarborough Electric Railway, Light and Power Company (Limited); The Toronto and Mimico

"Vendors" to mean certain companies.

Electric



Electric Railway and Light Company (Limited); The Toronto Suburban Street Railway Company (Limited), and the Metropolitan Railway Company.

Acquiring  
franchises,  
etc., of  
vendors.

3. The company may from time to time acquire by contract of purchase, lease, license, or other form of contract any undertaking, railway, franchise, right, power, privilege or other real or personal property of the vendors, save as herein-after provided.

Agreements  
with vendors.

4. The respective boards of directors of the company and of the vendors may enter into any contract or agreement for any of the purposes aforesaid, but every such contract shall be subject to the observance, performance and fulfilment by the company of all and every the terms, covenants, agreements, provisoes and obligations contained in any agreement with any municipal corporation with reference to the railway to be acquired by virtue thereof, and no such agreement shall be operative until it shall have been approved by a vote of two-thirds in value of the shareholders voting in person or by proxy at special general meetings of the company and of the vendors respectively duly called for the purpose of considering the same.

Company to  
be liable for  
debts of  
vendors.

5. Upon the acquisition by purchase of any undertaking of the vendors, the company shall assume and be liable for all the liens and charges upon the undertaking, and for all the debts and liabilities of the vendors thereof.

Transfer of  
franchises,  
etc., from  
vendors to  
company.

6. After the approval by the shareholders of any such agreement as aforesaid, the rights to be acquired by the company by virtue of the agreement shall be transferred to them by the vendors by indenture, and upon the execution thereof, the company shall be vested with and entitled to the undertaking, railway, franchises, rights, powers, privileges and other real and personal property of the vendors, together with the full benefit of all agreements made by the vendors with any municipal corporation, and upon any absolute purchase by the company of the undertaking of the vendors, the company shall be substituted for and shall stand in the place of the vendors in every agreement with every such municipal corporation and shall be entitled to the full benefit of all renewals provided for in every such agreement or by-law and may construct and operate any extension of the railway, and shall have the absolute right to exercise all the franchises, rights, powers and privileges of the vendors, save as herein-after provided.

Acquiring  
stock in  
vendors' com-  
panies.

7. The company may from time to time acquire from any shareholder of the vendors any or all the shares of the capital stock in any undertaking which the company is authorized to purchase, and the directors of the company may by by-law appoint

appoint any person or persons to act for and represent the company at any meetings of the shareholders in any undertaking in which the company shall hold stock, and every such person shall be deemed to hold such stock in his own right and shall be eligible for election as a director in respect thereof.

8. The capital stock of the company shall be \$250,000, Capital stock, divided into 2,500 shares of \$100 each.

9. The head office of the company shall be in the city of Head office, Toronto, in the Province of Ontario.

10. The persons mentioned in the first section of this Act are hereby constituted the provisional directors of the company, and a majority shall form a quorum, and they shall hold office until other directors shall be elected under the provisions of this Act by the shareholders, and the majority of them shall have power and authority to open stock books and procure subscriptions for the undertaking; and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and the provisional directors or a majority of them may, in their discretion, exclude any person from subscribing. Provisional directors.

11. When, and so soon as shares to the amount of \$50,000 of the capital stock of the company shall have been subscribed, and ten per cent. thereof shall have been paid in to one of the chartered banks of the Dominion, having an office in the Province of Ontario, the provisional directors shall call a general meeting of subscribers for the purpose of electing directors, giving at least ten days' notice in the *Ontario Gazette*, and in one newspaper published in the City of Toronto, of the time, place and object of the said meeting; and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per cent. on the stock subscribed by them, shall elect not less than three nor more than nine persons to be directors of the above company in manner and qualified as hereinbefore described; and the sum so paid shall not be withdrawn from the bank, except for the purposes of this Act. First general meeting and election of directors.

12. Thereafter the general annual meeting of the shareholders of the company for the election of a board of not less than three nor more than nine directors, and the transaction of other business connected with or incident to the undertaking, shall be held at the head office of the company, or elsewhere as the directors may deem most convenient on such day and at such hour as may be directed by the by-laws of the company, and public notice thereof shall be given at least Subsequent annual meeting.

four weeks previously in the *Ontario Gazette*, and once a week for the same period in some newspaper published in the city of Toronto.

Special general meetings.

**13.** Special general meetings of the shareholders of the company may be held at such places, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company upon such notice, as is provided in the last preceding section.

Management of company.

**14.** The affairs of the company shall be managed by the board of directors, a majority of whom shall constitute a quorum.

Paying for rights and property acquired by allotment of stock.

**15.** The directors may allot and issue shares of the capital stock of the company as paid up stock as the consideration for the acquisition of all or any of the said undertakings, railways, franchises, rights, powers, privileges and real and personal property; and such allotment and issue of stock shall be binding on the company, and the holders thereof shall not be liable in any way thereon.

Rights of aliens.

**16.** Aliens and companies incorporated abroad as well as British and Canadian subjects and corporations, whether resident in this Province or elsewhere, may become shareholders in the company, and all such shareholders whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to offices as directors of the company.

Representation of corporation shareholders.

**17.** Any corporation which may hold shares in the company may by by-law appoint any person or persons to represent such corporation at any meeting of the said company, and every such person shall be eligible for election as a director.

Qualification of directors.

**18.** No person shall be elected a director unless he or a corporation represented by him is the owner and holder of ten shares of stock in the company upon which all calls have been paid.

By-laws of directors.

**19.** The directors of the company may from time to time make by-laws not contrary to law or to this Act to regulate :

(a) The allotment of stock; the making of calls thereon; the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and of the proceeds thereof; the transfer of stock;

(b) The declaration and payment of dividends;

(c) The term of service not exceeding two years, and the amount of the stock qualification of the directors;

(d)

(d) The appointment, functions, duties and removal of all officers agents and servants of the company ; the security to be given by them to the company ; and their remuneration ;

(e) The time at which, and place where the general, meetings of the company shall be held : the callings of meetings, regular and special, of the board of directors, and of the company ; the quorum ; the requirements as to proxies ; and the procedure in all things at such meetings ;

(f) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law ; and

(g) The conduct in all other particulars of the affairs of the company ;

And may from time to time repeal, amend, or re-enact the same ; but every such by-law, and every repeal, amendment, or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company ; and in default of confirmation thereat, shall, at and from that time only, cease to have force ; and in that case no new by-law to the same or like effect shall have any force until confirmed at a general meeting of the company ; provided, however, that the company shall have power either at the general meeting, called as aforesaid, or at the annual meeting of the company, to repeal, amend, vary or otherwise deal with any by-laws which have been passed by the directors, but no Act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation or other dealing.

Approval by shareholders.

20. Section 34 (except so much of sub-section 15 thereof as is prohibitive of a person being chosen a director by reason of his holding any office, place or employment in the company), sections 35, 36, 37, 38 and 42 of *The Railway Act of Ontario*, and sub-sections 1, 2 and 3 of section 39 of *The Street Railway Act*, are hereby incorporated with and shall be deemed and taken to be clauses or sections and parts of this Act, and shall apply to the company when not inconsistent with the provisions herein, and wherever in the said sections of *The Railway Act* the words "Special Act" occur, they shall mean this Act.

Application of certain provisions of Rev. Stat. cc. 207, 208.

21.—1. The directors of the company, under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company and who have paid all calls due thereon are present in person or represented by proxy may, subject to the provisions in this Act contained, issue bonds, debentures or other securities signed by the president or other presiding

Bonding powers.

officer



officer and countersigned by the secretary, which countersignature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such time and in such manner and in such place or places in Canada or elsewhere, and may bear such rate of interest (not exceeding six per cent. per annum) as the directors think proper.

2. The directors may issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

3. No such bond, debenture or other security shall be for a less sum than one hundred dollars.

4. The power of issuing bonds conferred upon the company shall not be construed as being exhausted by any issue of bonds, but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled.

5. The company may secure such bonds, debentures or other securities by mortgage deed, creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the undertaking.

6. By any such deed, the company may grant to the holders of such bonds, and any already existing debentures or other securities, or the trustees named in any such deed, all and every the powers, rights and remedies granted in this Act with respect to the bonds, debentures and other securities, and all other the powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

7. Every such mortgage deed may contain a power of sale, authorizing the sale of the several undertakings acquired by this company, either in one block or separately, or otherwise, as may be deemed expedient by the holders of the bonds, or the trustees named in such deed.

8. Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in *The Ontario Gazette*.

9. It shall not be necessary in the exercise of the powers as to mortgaging, to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act*, or any Act requiring the registration or renewal of mortgages of chattels, and any mortgage which may be executed by the company, under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority, according to the time of deposit, and shall form a lien and encumbrance upon any personal property, or chattels therein embraced, to all intents and purposes as therein expressed and set forth, as if the provisions of the said *Bills of Sale and Chattel Mortgage Act* or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with. Rev. Stat.  
c. 148.

10. The directors of the company shall have the power to make any arrangement with the holders of such bonds, debentures, or other securities as may have been issued by the vendors, or any of them, whereby charges may have been created on any of the undertakings acquired by the company, and no bond, debenture or other security of the company shall be valid as against any holder of any bond, debenture or other security issued by the vendors, or any of them, until all of the holders of the said bonds, debentures or other securities shall have consented thereto, or until the said bonds, debentures or other securities shall have been withdrawn or paid off and duly cancelled.

11. Save as aforesaid, the bonds, debentures or other securities hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the company and the several undertakings thereof, and the tolls, income, rents, revenues and real and personal property thereof at any time acquired.

12. Each holder of the said bonds, debentures or other securities shall be deemed to be a mortgagee or encumbrancer upon the said securities pro rata with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

13. If the company makes default in paying the principal or of interest on any of the bonds, debentures or other securities hereby authorized at the time when the same by the terms of the bond, debenture or other security becomes due and payable, then at the next annual general meeting of the company and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected

directors

directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

14. The rights given by the preceding sub-section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect of which he claims to exercise such rights has been registered in his name in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon, and the company shall be bound, on demand, to register such bond, debenture or other security and thereafter any transfers thereof in the same manner as shares or transfers of shares: but the exercise of the rights given by this and the preceding sub-section shall not take away, alter or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

15. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

16. The issue of bonds, debentures or other securities hereby authorized shall not exceed the sum of twenty thousand dollars for each mile of street railway track constructed or under contract for construction.

Negotiable  
instruments.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and counter-signed by the secretary or treasurer of the company and under the authority of a quorum of the directors shall be binding upon the company, and every such promissory note or bill of exchange so made, accepted or endorsed shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange: nor shall the president, vice-president, secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue notes or bills of exchange, payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

**23.** Nothing in sections 3, 4, 6, and 7 of this Act contained shall confer any powers upon the company other than those possessed by the vendors: nor be taken or deemed to enlarge or extend the powers so acquired so as to confer upon the company the right to exercise the powers and franchises acquired from any other company named herein as one of the vendors, in any other locality or to any greater extent than may now be done by such other company under its Act or charter of incorporation, or any amendments thereto or under any agreement or agreements entered into by such vendors with any municipal corporation; nor shall anything in this Act contained impair, alter, affect or prejudice any agreement between the vendors or any of them and any municipal corporation or any obligation thereunder, nor shall anything herein contained, alter or affect any agreement between The Toronto Railway Company and the corporation of the City of Toronto or any obligations thereunder.

Act not to enlarge powers of vendors when transferred to company.

**24.** Notwithstanding any of the powers now vested in any of the said vendors, nothing in this Act shall be deemed to confer on the said company the right to sell or lease electric light or power within the present limits of the City of Toronto, and the said company shall not have such rights.

Company not to dispose of electricity in Toronto.



## CHAPTER 67.

## An Act to Incorporate The Canadian Consolidated Copper and Nickel Company.

*Assented to 17th January, 1898.*

## Preamble.

**W**HEREAS David Maclaren, of the City of Ottawa, in the Province of Ontario, Lumber Merchant; Alexander Maclaren, of the Town of Buckingham, in the Province of Quebec, lumber merchant; John Maclaren, of the Town of Brockville, in the Province of Ontario, manufacturer; James Barnet Maclaren, of Buckingham aforesaid, mine owner and Albert Maclaren, of Buckingham aforesaid, Esquire, have by their petition prayed for an Act of incorporation under the name of "The Canadian Consolidated Copper and Nickel Company," for the purposes of carrying on in all its branches the business of a mining milling reduction and development company; and whereas the petitioners are desirous of obtaining and appear to require powers which are not ordinarily granted by charter under the general Acts in that behalf; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Incorporation

1. The said David Maclaren, Alexander Maclaren, John Maclaren, James Barnet Maclaren and Albert Maclaren and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Canadian Consolidated Copper and Nickel Company."

## Powers of Company

2. The said Company is hereby authorized and empowered to prospect for, open, explore, develop, work, operate, improve, maintain and manage gold, silver, copper, nickel, lead, iron, coal and other mines, mineral and other deposits, and proper-

ties,

ties, and to dig for, raise, crush, wash, smelt, assay, analyze, reduce, refine and amalgamate and otherwise treat ores, metals and minerals whether belonging to the company or not, and to render the same merchantable, and to sell and otherwise dispose of the same, or any part thereof, or any interest therein; To acquire by purchase, lease, concession, license, exchange, or other legal title, mines, mining lands, mining locations, easements, mineral properties, or any interest therein, minerals and ores and mining claims, options, powers, privileges, water and other rights, patent-rights, letters patent of invention, processes and mechanical or other contrivances, and either absolutely or conditionally, and either solely or jointly with others, and as principals, agents, contractors, or otherwise, and to lease, mortgage, place under license, hypothecate, sell, dispose of and otherwise deal with the same or any part thereof, or any interest therein; To construct, maintain, alter, make, work and operate or assist or take part in construction, improvement, maintenance, working, management, carrying out or control of any tramways, railways, branches or sidings, telegraph, or telephone lines, reservoirs, dams, flumes, race and other ways, waterpowers, aqueducts, wells, roads, piers, wharves, buildings, shops, stamping mills, smelting works, refineries, and other works and machinery, plant and electrical and other appliances of every description which may seem calculated or necessary to advance the company's interests, and to buy, sell, manufacture and deal in all kinds of goods, stores, implements, provisions, chattels and effects and to carry on any other business which may seem to the company capable of being conveniently carried on in connection therewith or calculated directly or indirectly to enhance the value of or render profitable any of the company's property or rights; to build, acquire, own, charter, navigate and use steam and other vessels; to construct, maintain and keep in repair, roads, bridges, waterways, drainage works and other improvements and means of communication or transportation through, over or adjacent to or leading to or from mining lands of the Company or in which the Company is interested or other mining lands; and to acquire by purchase, lease, concession, license, exchange or other legal title and hold lands and other properties necessary for the construction of such works and from time to time to sell and dispose of all such lands as may be found to be unnecessary or unsuitable for the purposes thereof or of the Company; and to demand and receive from persons and corporations for the use of such works such fees and tolls as may be fixed by the company subject to approval by the Lieutenant Governor in Council; or to subscribe for and take and hold shares or stock in any company incorporated for such purposes; to take, acquire and hold as the consideration for ores, metals or minerals sold or otherwise disposed of, or for goods supplied, or for work done by contract or otherwise, shares, debentures, bonds or other securities of or in any other company having objects similar to those of the Company hereby

incorporated and to sell or otherwise dispose of the same; to enter into any arrangement for sharing profits, union of interests, or co-operation with any other person or company carrying on or about to carry on any business or transaction which may be of benefit to the company hereby incorporated and to assist any such person or company and to take or otherwise acquire shares and securities of any such company and to sell or otherwise deal with the same; to purchase or otherwise acquire and undertake all or any part of the assets, shares, business, property, privileges, contracts, rights, obligations and liabilities of any person or company carrying on any part of the business which the company hereby incorporated is authorized to carry on or possessed of property suitable for the purposes thereof; and to amalgamate with any other company having objects altogether or in part similar to those of the Company hereby incorporated, and any such other company not possessing powers sufficient for the purpose is hereby by this Act empowered to enter into any such arrangement, to amalgamate with the Company hereby incorporated, or to sell and convey or otherwise dispose of its mining locations, assets, shares, business, privileges, contracts, rights, and other properties to the Company hereby incorporated, and such arrangement, amalgamation sale or conveyance is hereby authorized, confirmed and declared to be valid and binding as if such other company already possessed the powers enabling them so to do, or were specially and particularly by this Act invested with such powers; and to do all such acts, matters and things as shall be incidental or necessary to the due attainment of the above objects or any of them.

Provisional  
directors.

3. The said David Maclaren, Alexander Maclaren, John Maclaren, James Barnet Maclaren and Albert Maclaren shall be and are hereby constituted a board of provisional directors of the said Company of whom a majority shall form a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act.

Capital stock.

4. The capital stock of the Company hereby incorporated shall for the present be \$5,000,000, to be divided into 50,000 shares of \$100 each, with power to the Company to increase its capital stock to any amount which it considers requisite, as provided by section 15 of "*The Ontario Companies' Act*."

Rev. Stat. c.  
191.

Number of  
Directors.

5. The Board of Directors of the said Company shall be five in number.

Head office.

6. The head office of the Company shall be at the City of Ottawa in the Province of Ontario, and all meetings of the Provisional Board of Directors shall be held at the said City of Ottawa or such other place as may best suit the interests of the company.

7. The several clauses of "The Ontario Companies' Act" and "The Ontario Mining Companies' Incorporation Act" and every Act in amendment of the said Acts or either of them shall be incorporated with and be deemed to be a part of this Act and shall apply to the Company and to its operations except only so far as they may be inconsistent with the express enactments hereof and the expression "this Act" when used herein shall be understood to include the clauses of the said *The Ontario Companies Act* and *The Ontario Mining Companies' Incorporation Act*. Incorporation of provisions of certain general Acts. Rev. Stat. cc. 191; 197.

8. The said Company and the powers hereby conferred upon the said Company and the operations of the said Company shall be subject to such regulations and conditions as to the smelting and refining of nickel and other ores within the Province of Ontario as may from time to time be adopted by the Lieutenant-Governor in Council.



## CHAPTER 68.

An Act respecting The Cataract Power Company of  
Hamilton, (Limited.)

*Assented to 17th January, 1898.*

## Preamble.

WHEREAS, the said Company has by petition prayed that an Act may be passed confirming the letters patent of incorporation, and the supplementary letters patent of the said Company as well as the several by-laws of municipal corporations relating to the operations or proposed operations of the said Company, and agreements with such municipal corporations set forth in the schedule to this Act; and whereas the said company in and by the said petition has asked for power to extend their canal or raceway to a point on the Welland River, at or near the village of Port Robinson, and that certain powers under *The Railway Act of Ontario* may be given to the company; and whereas the said company further ask by the said petition that power may be given to increase the capital stock of the company; and whereas it is expedient to grant the prayer of the said petition:—

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Letters patent confirmed.

1. The letters patent of incorporation of the said company, bearing date the ninth day of July, 1896, and the supplementary letters patent bearing date the sixth day of May, 1897, are hereby ratified and confirmed.

## Municipal by-laws confirmed.

2. The several by-laws and agreements of the municipal corporations of the City of Hamilton, the Townships of Barton, Saltfleet, North Grimsby, Clinton, Louth, Grantham and Thorold, and the Villages of Grimsby and Beamsville, set forth in the schedule annexed to this Act, are hereby ratified,

confirmed

confirmed and declared to be in all respects legal and binding in the same manner and as fully and effectually as if embodied in and forming part of this Act.

3. The said Company may construct, equip, maintain and operate a canal and hydraulic raceway from a point at or near Allanburg to some point on the Welland River, at or within two miles of the Village of Port Robinson, as an extension of their canal or raceway from the Niagara escarpment near the waterfall, known as Decew's Falls in the Township of Grantham, with all such works, dams, docks, sluices, conduits and accessories as may be necessary; provided however, that nothing herein contained shall permit of any power hereunder being exercised in such a way as to interfere with the navigation of any river or with the Welland Canal, without the consent and authority of the Governor-General in Council of the Dominion of Canada in that behalf, but any application to the Governor-General in Council under this section shall only be made after notice to the corporations of the City of St. Catharines and the County of Welland.

Location of  
works of  
company.

4. The company shall for the purpose of carrying and conveying its water supply over the Beaver Dam Creek to the penstock and flume at or near the company's power house or station, build, and construct an aqueduct across the valley of the Beaver Dam Creek, and such aqueduct shall be so situated as not to be on or in the land, water or property at present used by or in connection with the water works of the city of St. Catharines.

Aqueduct  
over Beaver  
Dam Creek.

5. The said aqueduct and the raceway leading thereto from the company's source of water supply, and the raceway conducting the water from the said aqueduct shall be so constructed, and thereafter constantly maintained by the company in such condition that no water flowing through or contained in the same can escape therefrom or mingle with the water of the said Beaver Dam Creek, its branches or affluents, or with the water flowing from the old Welland Canal through Higgins' flume or elsewhere into the said Beaver Dam Creek. And such condition of construction and maintenance of the raceways and aqueduct aforesaid shall apply to any other raceways or aqueducts which may be constructed at any time hereafter by the company or its successors; provided that such aqueduct or aqueducts shall be constructed in such manner and in such position as not in any way to obstruct the free flow of water in or through the said Beaver Dam Creek, its branches or affluents.

Construction  
of aqueduct  
and raceway.

6. The said company shall not nor shall its successors at any time by means of a dam or by any other means obstruct the free flow of the waters of the said Beaver Dam Creek to the reservoirs of the St. Catharines water works or impede the current of the said creek or otherwise impair in any way the

Beaver Dam  
Creek not to  
be obstructed.

the quality of the water in the said creek at any point above the said reservoirs.

Water from Welland River not to be introduced into water of Beaver Creek.

7. The canal raceways and other works of the said company shall be so constructed and at all times shall be so maintained that none of the water of the Welland River or of its branches or affluents shall be introduced into the waters of the said Beaver Dam Creek or of its branches or affluents which supply waters to the reservoirs of the said St. Catharines water works, or be permitted to mingle with the water flowing into the said reservoirs or either of them.

Water works of St. Catharines not to be interfered with.

8. Nothing in this Act contained shall be construed to authorize any interference with the property of the water works of the City of St. Catharines or with any of the rights and powers of the Water Works Commission, or of the corporation of the said City of St. Catharines, as set out in Chapter ninety-one of the Statutes of 1857 of the late Province of Canada authorizing the construction of the said water works and in the amendments to the said Act.

Technical default not to affect company.

9. The said company shall not be liable for any merely nominal or trifling default or want of compliance with any of the provisions of the five preceding sections, so long as the said provisions shall have been substantially complied with and fulfilled.

Application of provisions of Rev. Stat. c. 207.

10. Sections 13 to 20, both inclusive, of *The Railway Act of Ontario*, in so far as applicable and when not inconsistent with this Act or the powers conferred by the letters patent of incorporation of the Company, shall apply to the Company and its undertaking; and (a) whenever in the said sections the word "Company" occurs it shall mean the Company referred to in this Act; (b) whenever in the said sections the word "railway" occurs, it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act or the Company, mean the canal, hydraulic raceway or other works authorized to be constructed by this Act or the charter of incorporation of the Company; and (c) whenever in the said sections the word "land" occurs it shall include any privilege or easement required by the Company for constructing or operating the works authorized by this Act or the charter of incorporation of the Company on, over or along any land without the necessity of acquiring a title in fee simple.

Increase of capital stock.

11. The said company shall have power to increase its capital stock to an amount not exceeding in the whole \$1,000,000 by by-law or by-laws of the company in that behalf; but no such by-law shall take effect unless and until approved by resolution of a majority of the shareholders present at a special general meeting of the shareholders called for the purpose of considering the same.

12. Nothing in this Act contained shall be deemed to take away or in any way impair or diminish any of the powers of the Company under the original charter of incorporation or the supplementary letters patent hereinbefore referred to, or under any general Act or Acts.

Powers of  
company not  
restricted by  
Act.

## SCHEDULE.

### BY-LAW No. 893.

A By-law respecting The Cataract Power Company of Hamilton (Limited).

The council of the corporation of the city of Hamilton hereby enacts as follows :—

1. Subject to the terms and conditions hereinafter set forth and subject to the provisions of R. S. O., Chapter 165, *An Act respecting companies for Steam and Heating or for supplying Electricity for Light, Heat or Power*, and to any amendments to the said Act, the Cataract Power Company of Hamilton (Limited), hereinafter called "the company," is hereby authorized and permitted to erect poles and string wires within the limits of the city of Hamilton and along such of the streets, highways, lanes or public squares or places thereof as may be necessary for the sale, supply and distribution of electricity or electric current for the purposes of light, heat or power to the customers of the said company and by means of such system of poles and wiring to conduct electricity or electric current along the said streets, highways, lanes or public squares or places within the limits of the city of Hamilton.

2. In order to prevent the unnecessary multiplication of poles on the streets of the city it is hereby provided as a condition of this by-law that wherever use can, in the opinion of the city engineer, be made by the said company of the poles of the Hamilton Electric Light and Power Company for the purposes of the company, the same shall be made use of and instead of erecting poles along any street where the poles of the said the Hamilton Electric Light and Power Company have already been erected the obligation is hereby cast upon the company of making such arrangements with the said the Hamilton Electric Light and Power Company as will entitle the company to the use of the poles of the said Hamilton Electric Light and Power Company. All new poles shall be straight, smooth and to the satisfaction of the City Engineer, and shall be painted by the company in such manner and at such times as he shall require.

3. The company shall provide all insulators, safety devices and lightning arresters necessary for the proper insulation of their lines and for the protection of the property of the city corporation and of all other persons or corporations within the city of Hamilton, and of the lines of other companies, and all wire used shall be covered with the best quality of weather-proof insulation and shall as far as possible be rendered harmless.

4. No current of electricity shall be carried upon any wire within the city of Hamilton of a greater voltage than twenty-five hundred volts and proper and suitable provisions shall be made by means of return wires or other sufficient appliances for the return of the current to the company's power house without its reaching the ground or doing any injury to the city water pipes or to gas pipes or other underground plant or constructions.

5. Should at any time such improvements be made in methods of underground insulation as will in the opinion of the city engineer provide a safe, practical and economical system of distributing electric current, the company shall have the right of way through, under and along such streets, highways, lanes or public places or squares of the city as may be

necessary



necessary for the conduits, mains, feeders, pipes, wires or transformers of the company in conducting electricity or electric current for sale, supply and distribution as aforesaid, such new method of conducting electricity to be first approved of by the city council.

6. The city engineer shall have the right and power and it shall be his duty to oversee and prescribe the manner in which and the places where streets, highways and public squares and places shall be opened for the erection of poles or for the placing of wires underground, and it is hereby provided that the company shall, and it shall be the duty of its chief engineer to see that the company shall in all cases put back the surface of the streets into their original condition or as nearly so as possible to the satisfaction of the city engineer at the entire and exclusive cost of the company.

7. It is hereby provided that the wires of the company may be cut in case it may be necessary for extinguishing fires by the order of the chief of the fire department, and in such case the company shall not be entitled to be compensated by the city for the loss of such wires.

8. The company shall make good to the city corporation all damage or loss which may be caused by the works or operations of the company to any water pipes or other property of the city, and all expenses incurred by the city by reason of such works or operations, and shall indemnify and save harmless the city corporation against all claims for damages or loss, or damage which may at any time be suffered by the city by reason of the exercise by the company of the powers and privileges hereby granted.

9. The powers and privileges hereby granted to the company shall absolutely cease and determine unless before the expiration of one year from the date of the passing of this by-law the company shall have completed a line of wiring from the power house in the County of Lincoln to the limits of the city, and shall have so far completed their works as to be ready to commence delivering electric power to customers in the city of Hamilton.

10. In order to prevent a monopoly by the company and to avoid the erection of unnecessary poles in the city streets, the company shall, if requested by resolution of the city council, grant to any other company the privilege of stringing wires upon any poles erected by or belonging to or under the control of the Cataract Power Company for the supply and distribution of electricity for the purposes of light, heat or power, such other company paying for the privilege such compensation as may be agreed on with the Cataract Power Company, or as may be fixed by arbitration, and the company shall also allow the city corporation to string wires on their poles for their fire alarm or police signal systems whenever required to do so by resolution of the council.

11. If the Cataract Power Company shall amalgamate or enter into a combination with the Niagara Falls Power Company or the Canadian Niagara Power Company, or their assigns, or shall come under the control of either of those companies, the privileges granted to the company by this by-law shall cease and determine.

12. The privileges granted by this by-law shall (subject to the provisions hereinafter mentioned) extend until the twenty-second day of December, 1948, but at the expiration thereof the corporation of the city of Hamilton may, after giving six months' notice prior to the expiration of the said term of their intention, assume the ownership of the rights and franchises of the company, and all real and personal property in connection with the working thereof (including that part outside the corporation limits), on payment of their value, to be determined by arbitration; and in case the corporation shall fail in exercising the right of assuming the ownership of said rights, franchises and property at the date aforesaid, the privileges granted by this by-law shall continue, but the said corporation may, at the expiration of every five years, to elapse after the said date, exercise the same right of assuming the ownership of the said rights and franchises and of all real and personal estate thereto appertaining, after one year's notice, to be given preceding the expiration of every fifth year, as afore-

said, and on payment of their value, to be determined by arbitration; and any arbitration under this clause shall be subject to the provisions of *The Municipal Act* and of the *Acts respecting Arbitrations and References*, and the arbitrators shall have all the powers of arbitrators appointed under the said Acts, and each party shall pay half the cost of the arbitration.

13. If the city corporation shall not give notice under the last preceding section of this by-law of their intention to assume the ownership of the company's rights, franchises and property, or if they shall not assume the ownership thereof, pursuant to such notice, they may at any time give notice in writing to the company of their intention to refer to arbitration the terms and conditions upon which the privileges hereby granted to the said company should continue, and the period for which they should so continue, and any arbitration under this section shall be subject to the provisions of *The Municipal Act* and of the *Acts respecting Arbitrations and References*, and the arbitrators shall have all the powers of arbitrators appointed under the said Acts, and each party shall pay half the costs of the arbitration; but the city corporation may, after the arbitrators have made their award, elect to continue the privileges hereby granted upon the terms contained in this by-law instead of under the terms contained in said award, if the council of said city shall, within three months after the publication of such award, pass a by-law to that effect, in which case the city shall pay the costs of the arbitration.

14. Should the company fail to complete said line of wiring and to commence delivering electric power to customers in the city of Hamilton within the time limited by this by-law, or should the company within the time limited by this grant neglect or refuse to supply and distribute electricity in the city of Hamilton for the purposes of light, heat, or power for the use of customers for the space of six successive months, or should the said company make default in payment of any monies which may from time to time become payable by them under this by-law or in the performance of the agreement to be made in pursuance hereof, then the said company shall forfeit all privileges and rights which they may have acquired by said grant or by the use or possession of said streets; and in such case the city of Hamilton reserves the right to cause all obstructions and materials placed in said streets by said company to be removed therefrom, and the said streets to be put in as good condition and repair as they were before said materials and obstructions were placed therein, and the expense thereof shall be paid to the said city corporation by the said company; and the said city council also in such case reserves the right to grant the same rights and privileges to any person or persons, company or companies, free from all charges or liabilities for damages on account thereof. The city corporation shall have a lien upon all such materials for the expense of the removal thereof and of putting said streets in good condition and repair, and shall have the right to sell and dispose of such materials and pay over to the company or their assigns the residue, if any, of the proceeds thereof, after deducting the expenses of and incidental to such sale, and the expenses of such removal and repair; or the city corporation may, without taking up or removing such materials, sell the same, either by public auction or private contract, for such prices and on such terms of payment as they may deem fair and reasonable, and the city corporation shall in such case pay over to the company or their assigns, the proceeds of any such sale, after deducting all expenses thereof or incidental thereto.

15. If the city shall by a two-thirds vote of the council request the company to adopt any other safe, practical and economical system than the system first adopted by them, of conducting and distributing electric power within the city of Hamilton, such other system shall be adopted by the company at their own expense within two years after the passage of any such resolution of the council, and the poles and wires and overhead construction used by the company within the city of Hamilton, so far as they may not be required for their new system, shall be removed by the company within that time, provided that the company shall not be

obliged

obliged to make any changes in the system first adopted by them of conducting and distributing electricity within the city of Hamilton before the expiration of five years from the passage of this by-law, or after the expiration of forty years from the passage of this by-law, and in the case of their being requested by the city council to make any such change they shall, upon giving notice in writing of their intention to do so within two months after the passage of such resolution, have the right to appeal to a board of arbitrators, consisting of three persons, one of whom shall be named in the notice of appeal given by the company and one shall be named by the city within two months after receiving such notice, and the third shall be appointed by the two so named, or in case of their failure to appoint such third arbitrator within one month after the appointment of the city's arbitrator, he may, upon application by either party, after one week's notice to the other, be appointed by a judge of the high court, and if such arbitrators, or the majority of them, declare by their award in writing, signed by them, that the request of the city council is unreasonable, the company shall not then be obliged to make the change except upon such terms as to contribution by the city to the cost thereof or otherwise as the said arbitrators, or a majority of them, may by such award, decide to be fair and just; and the city shall have the option of withdrawing their request or submitting a by-law for the assent of the electors, under the provisions of *The Municipal Act*, to authorize the necessary expenditure on their part for such change, and if such by-law be not assented to by the electors within three months after service on the city of a copy of the award, the request shall be deemed to be abandoned.

16. All rights that now are, or may hereafter be vested in the city corporation, or in any gas company, telephone, telegraph, electric light or other company, in respect to the care and improvement of the streets; the construction of sewers, culverts, or drains, and the laying of water or gas pipes therein, or the placing of poles or wires, are in no way to be affected or impaired by any privilege that may be granted to the said company; but the said poles and wires must be placed and maintained, subject to the rights of the said city corporation and the said companies to take up, alter, repair or remove sewers, water or gas pipes, and to place poles and wires and subject to all other purposes within the province and privilege of the said corporation of the city of Hamilton, without claim for damages against the said corporation or any of the said companies, and the said city council expressly reserve to themselves the right hereafter to lay down or permit to be laid down, in the said streets, gas or water pipes, or sewers, and place or permit the placing of poles and wires, and to alter, improve and repair said streets whenever the public or private convenience may require.

17. The company shall during the entire period of this grant supply electricity at reasonable rates to such extent as the capacity of its plant and its facilities for increasing the same will permit, to all persons and corporations, including the city corporation, desiring the same in the city of Hamilton at any points situate along any of its lines of transmission or within 2,000 feet thereof upon their complying with such general rules and regulations not inconsistent herewith as the company may make with respect thereto, provided the quantity required by any such applicant shall not be less than twenty-five daily horse power per annum.

18. Whenever said company shall have received *bona fide* applications for power aggregating two hundred horse power, to be furnished within a radius of half a mile from any point in any part of the city where it has not constructed a line of transmission, and the applicants shall have tendered such company contracts for the use of power aggregating said amount for at least one year, accompanied by their several bonds for the performance of such contracts with two or more sureties with proper affidavits of justification, which contracts shall conform to said company's general rules and regulations not inconsistent herewith, then and in such case the city council may order and direct that said company within six months thereafter shall extend its line of transmission and furnish electricity



tricity to such applicants in the manner and on the conditions hereinbefore provided, so far as the capacity of its plant and its facilities for increasing the same will permit.

19. The company shall supply to the city corporation at reasonable rates, which shall not be higher than the rates charged to others using a similar amount of power in the city of Hamilton, such quantities of electric current as the city may require for purposes of electric lighting, upon the company receiving one year's notice in writing that electric power is required by the city corporation from the company for such purposes, provided the capacity of its plant and its facilities for increasing the same will permit.

20. The company shall pay to the city corporation the sum of one dollar per annum for every pole erected and maintained by the company upon any public street, highway, lane or public square or place within the city, such payment to be made on the 22nd day of December in each year for every such pole then standing, and which has been maintained for six months or more before that date, and to be in addition to the municipal taxes payable by the company.

21. The company shall, before beginning any work in the city under this by-law, file with the city clerk a plan drawn to a scale shewing the streets, avenues, alleys and other public places in which it proposes to erect poles, string wires or cables, or lay conduits, and the particular part thereof it proposes to occupy for each such purpose, and shall at the same time, present and file with the city clerk definite written specifications of the electrical conductors, wires, poles and conduits proposed to be erected, strung or laid by it, specifying the materials and dimensions thereof, the height of the wires, the depth of conduits, the methods of insulation, and the devices to be used for the protection of life and property.

22. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the said city unless formally accepted by said Company within one month after the passing hereof, by an agreement which shall legally bind the said company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and shall be approved by the city solicitor; and such agreement when so approved shall also be executed under the city seal by the mayor or the Chairman of Finance and the City Clerk.

Passed this 26th day of May, A.D. 1897.

E. A. COLQUHOUN,  
Mayor.

[Seal.]

T. BEASLEY,  
City Clerk.

This Agreement made the 31st day of May, in the year one thousand eight hundred and ninety-seven, by and between The Cataract Power Company of Hamilton (Limited) (hereinafter called the company), of the first part, and the Corporation of the City of Hamilton (hereinafter called the city corporation), of the second part.

Whereas by by-law number 893 of said corporation, passed on the twelfth-sixth day of May, 1897, and intituled a by-law respecting The Cataract Power Company of Hamilton (Limited), a copy whereof is hereto annexed, permission is granted by the city corporation to the company, upon and subject to certain conditions, provisos and agreements therein set forth, to erect poles and string wires within the limits of the city of Hamilton and along such of the streets, highways, lanes or public squares or places thereof as may be necessary for the sale, supply and distribution of electricity or electric current for the purposes of light heat or power to the customers of the said company, and by means of such system of poles and wiring to conduct electricity or electric current along the said streets, highways, lanes or public squares or places within the limits of the city of Hamilton.

And



And whereas under the provisions of *The Joint Stock Companies' Letters Patent Act* and of the *Act respecting Companies for Steam and Heating and for supplying Electricity, Light, Heat or Power*, being chapter 165 of the Revised Statutes of Ontario and amendments thereto, the company have been duly incorporated by letters patent for the following amongst other purposes, namely, to manufacture, sell or purchase electric power, whether generated by water-power, steam or other force, and to apply the same in any of the arts or sciences, or in the manufacture of any article, or in any condition in which the use of electricity is employed, and are authorized by the last-mentioned Act and amendments to construct, maintain, complete and operate works for the production and distribution of electricity for purposes of light, heat and power, and to conduct the same by any means through, under and along the streets, highways and public places of cities, towns and other municipalities, but as to such streets, highways and public places only upon and subject to such agreements in respect thereof as shall be made between the company and the said municipalities respectively, and under and subject to any by-law or by-laws of the councils of said municipalities passed in pursuance thereof.

Now therefore this agreement witnesseth, and the parties hereto do respectively covenant and agree to and with each other as follows :—

The company do hereby accept the said by-law and agree with the city corporation to pay the city corporation the sums mentioned in the said by-law and to perform, observe and comply with all the agreements, obligations, terms and conditions therein contained.

And whereas this agreement has been approved of by Francis MacKelcan, Esq., Q.C., solicitor for the city corporation, testified by his marking each page thereof “approved” and by adding his signature thereto :

The city corporation do hereby agree to accept and do accept these presents and declare the same to be the agreement required to be executed by the company under the provisions of the said by-law, and that such by-law is therefore in full force and effect.

In witness whereof the company have caused their corporate seal to be hereto affixed under the hand of their president and secretary, and the city corporation have caused their corporate seal to be hereto affixed under the hand of the Mayor and City Clerk.

Signed, sealed and delivered			[Seal.]
in the presence of	(Signed)	J. M. GIBSON,	
		President.	
As to signature of John Patterson,	(Signed)	JOHN PATTERSON,	
HENRY STEWART.		Secretary.	
T. BEASLEY,		E. A. COLQUHOUN,	
City Clerk.	[Seal.]	Mayor.	

#### BY-LAW No. 916.

To amend by-law 893, respecting The Cataract Power Company of Hamilton (Limited).

Whereas by by-law No. 893 of this corporation, passed on the 26th day of May, 1897, certain privileges were granted to the Cataract Power Company of Hamilton (Limited) (hereinafter called the “Company”), subject to the condition that such privileges should absolutely cease and determine unless before the expiration of one year from the date of the passing of said by-law the company should have completed a line of wiring from the power house in the county of Lincoln to the limits of the city, and should have so far completed their works as to be ready to commence delivering electric power to customers in the city of Hamilton.

And whereas the company are proceeding actively with the construction of their works, but by reason of unforeseen delays will probably be unable to commence delivering electric power to customers in the city of Hamilton by the 26th day of May next, and have therefore asked for an extension for three months of the time for commencing to deliver such electric power.

And whereas the company propose to construct upon the lands of the Grand Trunk Railway Company the lines for the transmission of their electric current into the city of Hamilton and desire to extend their high voltage transmission into the city, until the current leaves the lands of the railway company.

Therefore the council of the corporation of the city of Hamilton enacts as follows :—

1. The time within which the company are required to be ready to commence delivering electric power to customers in the city of Hamilton is hereby extended for a further period of three months, namely, until the 26th day of August, 1898.

2. Notwithstanding the provisions contained in section 4 of said by-law passed on the 26th day of May, 1897, the company shall be at liberty to carry a current of electricity of a greater voltage than twenty-five hundred volts into the city of Hamilton to a point east of Victoria Avenue upon the lines to be constructed by them upon the lands of the Grand Trunk Railway Company, provided that the company shall properly insulate and protect the said lines where they may cross any streets or property of the city, and shall carry them a safe distance from any other wires or electric lines in the city.

3. All the provisions and agreements contained in said by-law No. 893 shall extend and apply to the lines to be constructed or operated under the authority of this by-law, except in so far as the same are hereby varied or modified.

4. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the said city unless formally accepted by said company within one month after the passing hereof, by an agreement which shall legally bind the said company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained and shall be approved by the City Solicitor; and such agreement when so approved shall also be executed under the city seal by the Mayor or the Chairman of Finance and the City Clerk.

Passed this 27th day of December, 1897.

E. A. COLQUHOUN,  
Mayor.

T. BEASLEY,  
City Clerk.

This Agreement made the twenty-ninth day of December, in the year of

Our Lord one thousand eight hundred and ninety-seven, by and between The Cataract Power Company of Hamilton (Limited) (hereinafter called the Company) of the first part, and The Corporation of the City of Hamilton (hereinafter called the City Corporation) of the second part.

Whereas by By-law No. 893 of the city corporation, passed on the 26th day of May, 1897, and intituled "A by-law respecting The Cataract Power Company of Hamilton, Limited," permission is granted by the city corporation to the company upon and subject to certain conditions, provisoes and agreements therein set forth to erect poles and string wires within the limits of the city of Hamilton and along such of the streets, highways, lanes or public squares or places thereof as may be necessary for the sale,  
supply

supply and distribution of electricity or electric current for the purposes of light, heat or power to the customers of the said company and by means of such system of poles and wiring to conduct electricity or electric current along the said streets, highways, lanes or public squares or places within the limits of the city of Hamilton.

And whereas by By-law No. 916 of the city corporation amending said By-law No. 893, a copy of which is hereunto annexed, the city corporation did extend the time within which the company are required to be ready to commence delivering electric power to customers in Hamilton, and did otherwise amend said By-law No. 893 :

Now therefore this agreement, witnesseth and the parties hereto do respectively agree to and with each other as follows :

The company do hereby accept the said amending By-law No. 916 and agree with the city corporation to perform, observe and comply with all the agreements, obligations, terms and conditions therein contained.

And whereas this agreement has been approved of by Francis MacKellcan. Esq., Q C., solicitor for the city of Hamilton, testified by his marking each page hereof "approved" and adding his signature thereto :

The city corporation do hereby agree to accept and do accept these presents and declare the same to be the agreement required to be executed by the company under the provisions of said By-law No. 916 and that such by-law is therefore in full force and effect.

In witness whereof the company have caused their corporate seal to be hereto affixed under the hand of their vice-president and secretary, and the city corporation have caused their corporate seal to be hereto affixed under the hand of the Mayor and City Clerk.

Signed, sealed and delivered  
in the presence of

(Sgd)

JAMES DIXON,

[Seal.]

As to signatures of

Vice-President.

James Dixon and

(Sgd)

JOHN PATTERSON,

John Patterson,

Secretary.

G. IZZARD.

[Seal.]

E. A. COLQUHOUN,

Mayor.

T. BEASLEY,

City Clerk.

#### BY-LAW No. 389.

By-law authorizing The Cataract Power Company of Hamilton, (Limited,) to erect poles and string wires upon certain highways.

The corporation of the Township of Barton, in the county of Wentworth enacts as follows :

1. The said company are hereby authorized and permitted to erect poles and string their wires along the following roads and highways, along the stone road in the second and third concessions from the easterly limit of the said township to the city of Hamilton, and also from the eastern limit of the said township at Albion Mills in concession seven, and following the road northerly nearest the brow of the mountain through the 6th,

5th and 4th concessions to the line between lots eight and nine, and also along the line between the 5th and 6th concessions and the road allowance given in lieu thereof from the easterly to the westerly limits of said township, subject however to the following conditions :—

(a) All poles shall be reasonably sound and straight, cleanly barked and closely knotted, sunk not less than five feet in the ground, and having a height of not less than twenty-five feet from the surface of the ground to the cross arms carrying the wires, and the said poles shall not be less than six inches in diameter at the top of the thinnest part thereof.

(b) The said poles shall not be more than 100 feet apart.

(c) The said poles shall be placed in such position on the said highways as the township council or any committee thereof or engineer appointed in that behalf may direct. Where any shade trees are trimmed it shall only be done under the direction of the said council, and with the consent of the owner or the said council.

(d) All poles where necessary, shall be securely guyed with steel cable which in turn shall be anchored in a proper manner, the said company securing all privileges from private individuals for that purpose which may be necessary.

2. All expenses of laying out the line for poles and under this by-law shall be paid for by the said company.

3. The said company shall indemnify and save harmless the said corporation from all damages or claims for damages of every kind resulting from or in any way occasioned by the erection by the said company of their said poles and wires.

4. No exclusive rights are hereby granted.

5. The said company shall give one week's notice to the township clerk when they propose to locate their line, and where the said council or their committee shall meet them and shall at the same time pay all expenses thereby incurred.

6. Where in the judgment of the said council it shall become necessary to remove any poles the company shall do so at their own expense, such removal being considered necessary in the public interests.

7. The said company shall complete at least one line for the use of power within sixteen months from the date hereof.

8. In case of any trouble or dispute arising between this company and any telephone or telegraph company they shall save the township harmless from all costs or damages that may be incurred.

9. All employees of the company shall wear a metal badge in a conspicuous position with the name of the company and a distinguishing number thereon.

Passed in council this 26th day of August, 1896.

[L.S.]

JOHN W. GAGE,

Reeve.

HARRY BRYANT,

Clerk.



## BY-LAW No. 421.

## Respecting The Cataract Power Company of Hamilton (Limited).

Whereas The Cataract Power Company of Hamilton (Limited), have asked for an extension of the time limited in by-law No. 389 of the Township of Barton dated 26th August, 1896, for the erection of the poles, line and wiring therein mentioned and it is deemed expedient to grant their petition under and subject to the terms and conditions hereinafter expressed.

The municipal council of the Township of Barton therefore enacts as follows :—

1. Subject to the terms and conditions hereinafter expressed the time limited in the by-law No. 389 of the said township for the completion of the work is hereby extended for a period of one year.

2. If The Cataract Power Company of Hamilton (Limited) shall by arrangement with the Grand Trunk Railway Company construct a line of poles and wires along the right of way of the said railway company such line shall be taken and considered for all purposes as that one of the lines mentioned in the said by-law which runs North of the mountain in said township.

3. On the completion of any one of their lines by The Cataract Power Company of Hamilton (Limited), to the City of Hamilton the said Cataract Power Company of Hamilton (Limited), shall upon the request of any person or persons, firm or corporation furnish to said person or persons, firm or corporation such amount of power as he, she or they may request at any point in the Township of Barton upon as favourable terms and conditions as said Cataract Power Company of Hamilton (Limited), furnish the same amount of power to any person or persons, firm or corporation within the city of Hamilton ; but in order to furnish power as aforesaid to any person or persons, firm or corporation, the said Cataract Power Company of Hamilton (Limited), shall not be compelled to build any special branch line over one half mile in length to deliver less than twenty horse power to any person or persons, firm or corporation within the Township of Barton, unless such person or persons, firm or corporation within the Township of Barton shall in addition to the terms hereinafore provided for pay annually a sum equal to ten per cent. per annum, on the actual cost of the construction of said branch line over and above one half mile for the sole use of said person or persons, firm or corporation requiring power in the Township of Barton. Nor shall the said company be required to furnish power to any person or persons, firm or corporation in the township, when in order to furnish such power it will be necessary for said company to put in an additional transformer unless there is a demand for at least forty horse power to be furnished from such additional transformer.

4. Where it is necessary to obtain the consent of any toll road company in the Township of Barton for the erection of the poles and wires of said company, over or along any toll road such consent shall be obtained by The Cataract Power Company of Hamilton (Limited), at their own cost, charges and expenses before entering on said toll road for the purpose of erecting any pole or wire on said toll road.

5. The Cataract Power Company of Hamilton (Limited), shall pay the costs, charges and expenses of the township solicitor, Mr. W. A. H. Duff, of and incidental to the drawing and passing of this by-law, and of the drawing, preparation and execution of the agreement thereafter provided for.

6. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the Township of Barton unless formally accepted by The Cataract Power Company of Hamilton (Limited), within one week after the passing hereof by an agreement which shall legally

bind

bind The Cataract Power Company of Hamilton (Limited), to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and all the agreements, obligations, terms and conditions contained in said by-law No. 389, except in so far as the same is changed by this by-law, and such agreement shall be approved by the township solicitor, Mr. W. A. H. Duff, testified thereto by his marking each page approved and appending his signature thereto, and such agreement when so approved and executed by the said company shall also be executed under the corporate seal of the township by the reeve and clerk of said township who are hereby authorized and directed so to do by this council.

Passed in council this 22nd day of December, 1897.

(Sgd.)

L. H. BINKLEY,  
Reeve.

[L. S.]

H. BRYANT,  
Township Clerk.

I certify the foregoing to be a true copy of the by-law passed by the municipal council of the Township of Barton on the 22nd day of December, 1897, and numbered 421.

(Sgd.)

H. BRYANT,  
Township Clerk.

This Agreement made the twenty-third day of December in the year of Our Lord one thousand eight hundred and ninety-seven by and between The Cataract Power Company, of Hamilton (Limited), (hereinafter called "the Company") of the first part, and The Corporation of the Township of Barton (hereinafter called "The Township Corporation") of the second part.

Whereas by a by-law of the Township of Barton passed on the 26th day of August, 1896, numbered 389, and intituled By-law authorizing The Cataract Power Company, of Hamilton (Limited), to erect poles and string wires upon certain highways, and a by-law of said Township of Barton, passed on the 22nd day of December, 1897, numbered 421, and intituled By-law No. 421, respecting The Cataract Power Company of Hamilton (Limited), permission is granted by the township corporation to the company under certain conditions, provisos and agreements therein set forth to erect poles and string wires upon certain highways in said Township of Barton for the transmission of electric power;

And whereas by the Act incorporating the company the township corporation and the company are respectively authorized to make and enter into covenants and agreements relating to the erection of said poles and wires and transmission of electric power and the use thereof;

And whereas by said by-law No. 421 it is provided that the said by-law 421 and the powers and privileges thereby granted should not take effect or be binding on the township corporation unless formally accepted by "the company" within one week after the passing thereof by an agreement which should legally bind "the company" to perform, observe and comply with the agreements, obligations, terms and conditions therein contained, and all the agreements, obligations, terms and conditions contained in said by-law No. 389, except in so far as the same was changed by said by-law No. 421, and that such agreement should be approved by the township solicitor, Mr. W. A. H. Duff, testified thereto by his marking each page approved and appending his signature thereto:

And whereas this agreement has been approved of by the township solicitor, Mr. W. A. H. Duff, testified to as required by said by-law:

19 s.

Now,

Now, therefore, this agreement witnesseth and the parties hereto respectively covenant and agree to and with each other as follows :—

The company do hereby accept the said by-laws and agree to perform, observe and comply with the agreements, obligations, terms and conditions therein contained, except in so far as the provisions of said by-law No. 389 are inconsistent with the provisions contained in said by-law No. 421, in which case the provisions expressed and contained in said last mentioned by-law shall be observed, performed and kept, and The Cataract Power Company of Hamilton (Limited), covenant with the corporation of the Township of Barton that “the company”, on the completion of any one of their lines to the city of Hamilton, shall and will, upon the request of any person or persons, firm or corporation, furnish to said person or persons, firm or corporation such amount of power as he she or they may request at any point in the Township of Barton upon as favorable terms and conditions as said Cataract Power Company of Hamilton (Limited) furnish the same amount of power to any person or persons, firm or corporation within the city of Hamilton. But in order to furnish power as aforesaid to any person or persons, firm or corporation the said Cataract Power Company of Hamilton (Limited) shall not be compelled to build any special branch line over one half-mile in length to deliver less than 20 horse-power to any person or persons, firm or corporation within the Township of Barton, unless such person or persons, firm or corporation within the Township of Barton shall, in addition to the terms hereinbefore provided for, pay annually a sum equal to 10 per cent. per annum on the actual cost of the construction of said branch line over and above one half-mile for the sole use of said person or persons, firm or corporation requiring power in the Township of Barton, nor shall the said company be required to furnish power to any person or persons, firm or corporation in the township when in order to furnish such power it will be necessary for said company to put in an additional transformer, unless there is a demand for at least 40 horse-power to be furnished from such additional transformer.

And the township corporation do hereby agree to accept, and do accept, these presents and declare the same to be the agreement required to be executed by the company under the provisions of the said by-law No. 421, and that such by-law is therefore in full force and effect.

In witness whereof the parties hereto have caused their respective corporate seals to be hereto affixed by their respective officers duly authorized in that behalf.

Signed, sealed and delivered in the presence of

(Signed)	H. R. LEYDEN,	(Signed)	[Seal.]
	H. BRYANT,	JAMES DIXON,	
[Seal.]	Township Clerk.	Vice-President.	

JOHN PATTERSON,  
Secretary.

#### By-Law No. 452.

By-law authorizing The Cataract Power Company of Hamilton (Limited), to erect poles and string wires upon certain highways.

The corporation of the Township of Saltfleet, in the county of Wentworth, enact as follows :

1. The said company are hereby authorized and permitted to erect poles and string wires along the following roads and highways : Along the stone road in the second and third concessions of the said township from

the

the easterly to the westerly limits thereof. Also along the road between lots twenty-four and twenty-five from the line between the third and fourth concessions northerly and following the continuation thereof across Burlington Beach to the Township of Nelson. Subject, however, to the following conditions :

(a) All poles shall be reasonably sound and straight, clean barked and closely knotted, sunk not less than five feet in the ground and having a height of not less than 25 feet from the surface of the ground to the cross-arms carrying the wires, and the said poles shall not be less than six inches in diameter at the top or thinnest part thereof. All poles in the village of Stoney Creek and Tapleystown shall be dressed and straight, and also at any place where poles shall be erected in front of lawns they shall be similarly dressed and straight.

(b) The said poles shall not be more than 100 feet apart.

(c) The said poles shall be placed in such position on the said highways as the township council or any committee thereof or engineer appointed in that behalf may from time to time direct where in the judgment of the said council it may be necessary in the public interest.

(d) All poles, where necessary, shall be securely guyed with steel cable which in turn shall be properly anchored, the said company securing all privileges from private individuals for that purpose, which may be necessary, and will at all times keep the poles in an upright and safe condition and the wires firmly attached to the poles.

2. All expenses to laying out the line for poles, and under this by-law, shall be paid by the said company.

3. The said company shall indemnify and save harmless the said corporation from all damages or claims for damages of every kind resulting from or in any way occasioned by the erection by the said company of their said poles, anchors, guys and wires.

4. The said company will commence work within one year from the date of this by-law, and complete at least one line for the use of power within sixteen months from the date hereof, otherwise this by-law shall become null and void.

5. All employees of the company shall wear a metal badge in a conspicuous manner with the name of the company and a distinguishing number thereon.

6. Where it shall be necessary to lop off branches or trim trees along the said highways the same shall be done under the direction of the township council, and the trees shall be trimmed without the consent of the owner or the municipal council.

7. In all cases where any trouble or disputes may arise between the said company and any telephone or telegraph companies from the fault of the said company, the said company shall protect the said township from all damages or costs arising therefrom, and where the said roads are required for the use of other companies the said Cataract Company shall not oppose the granting thereof by the said council so long as they do not interfere with the wires and poles of the said Cataract Company or the proper working thereof or access thereto.

8. Notwithstanding anything herein contained, the said Township of Saltfleet shall not be considered as granting any right over the roads herein mentioned where they may have become the property of private individuals.

9. The company shall give one week's notice to the township clerk to go over and locate the route and the place at which to meet, and shall pay the expenses of the said council or such committee as they may designate to locate the same.



10. The said company shall put in a transformer and supply such current as may be necessary for ten sixteen candle-power lamps at the village of Stoney Creek, and shall supply seventy lamps per year to the said township for use thereon, such lamps to be guaranteed for 600 hour service each, and shall be connected for lighting on the completion of their line through the said township.

Passed in council this 21st day of August, 1896.

[Seal.]

M. PETTIT,  
Reeve.  
R. R. SMITH,  
Clerk.

By-law No. 465 of the municipality of the Township of Saltfleet.

By-law No. 452 of this municipality respecting The Cataract Power Company of Hamilton (Limited), is hereby amended by adding thereto the following sections :

11. The Cataract Power Company of Hamilton (Limited), are hereby authorized to use the road allowance between lots 28 and 29 northerly from the stone road in concession 3 to Burlington Beach in lieu of the use of the road allowance between lots 24 and 25 granted by the said by-law for the erection of poles and the stringing of wires.

12. The time for the completion of the said company's pole line is hereby extended for the period of six months on condition that the poles necessary for one line be erected on or before the 1st January, 1897.

13. The current for lighting and the lamps specified in clause ten of By-law No. 452 shall be supplied by the said company free of charge, and the company shall also at all times keep the lines and equipments therefor in thorough repair at their own proper cost and charges.

Passed in council September 13th, 1897.

[Seal.]

GEORGE MELLIN,  
Reeve.  
R. R. SMITH,  
Clerk.

BY-LAW No.

Respecting The Cataract Power Company of Hamilton (Limited).

Whereas The Cataract Power Company of Hamilton (Limited) have asked for an extension of the time limited in By-law No. 452, dated 21st August, 1896, for the erection of the pole line and wiring therein mentioned, and it is deemed expedient to grant their petition ;

The council of the corporation of the Township of Saltfleet therefore enacts as follows :—

1. The time limited in the By-law No. 452 of the said township for the completion of the work is hereby extended for a period of one year.

Passed in council this 15th day of December, 1897.

[Seal.]

GEO. MELLIN,  
Reeve.  
R. R. SMITH,  
Clerk.  
BY-LAW:

## BY-LAW No. 118.

By-law authorizing The Cataract Power Company of Hamilton (Limited) to erect poles and string wires upon certain highways.

The corporation of the Township of North Grimsby, in the county of Lincoln, enacts as follows :

1. The said company are hereby authorized and permitted to erect poles and string their wires along the following roads and highways : Along the line between the sixth and seventh concessions from the easterly to the westerly limits of the said township. Also along the road running through said township from east to west in the third concession. And also along the stone road in the second concession from the village of Grimsby to the Township of Saltfleet. And also along the Grimsby and Smithville road from the village of Grimsby along the road allowance between lots 10 and 17 to the line between the sixth and seventh concessions, subject however to the following conditions :

(a) All poles shall be reasonably sound and straight, clean barked and closely knotted, sunk not less than five feet in the ground and having a height of not less than twenty-five feet from the surface of the ground to the cross arms carrying wires, and the said poles shall not be less than six inches in diameter at the top or thinnest part thereof.

(b) The said poles shall not be more than 100 feet apart.

(c) The said poles shall be placed in such position on the said highway as the township council or any committee thereof or engineer appointed in that behalf may direct. And no trees shall be trimmed except under direction of said council.

(d) All poles where necessary shall be securely guyed with steel cable, which in turn shall be properly anchored, the said company securing all privileges from private individuals for that purpose which may be necessary.

2. All expenses of laying out the line for poles and under this by-law shall be paid by the company.

3. The said company shall indemnify and save harmless the said corporation from all damages or claims for damages of every kind resulting from or in any way occasioned by the erection by the said company of their said poles and wires.

4. No exclusive rights are hereby granted.

5. The said company shall complete at least one line for the use of power within sixteen months from the date hereof, otherwise this by-law shall become null and void.

6. Where any dispute or trouble shall arise between the company and any telephone or telegraph company from the fault of this company then the said company shall protect and save harmless the said township from all costs and damages that may be incurred.

7. All employees of the said company shall wear a metal badge in a conspicuous position with the name of the company and a distinguishing number thereon.

8. In all cases where roads herein mentioned have in any part thereof become the property of private owners the said company must arrange with the said owners at the expense of the company for right of way.

9. The company shall send notice to the township clerk one week in advance when they propose to go over and locate the line and at what place to meet and shall pay all expenses of the said council or any committee they may designate to go over the said route.

10. The said company shall furnish current where required for lighting, heating or for power purposes at rates as cheap as at Hamilton or other places on their main lines.

11. On that portion of the Queenston and Grimsby stone road between lot 12 and the western limits of the said township in concession 2 before mentioned the said company agree that at any time an arrangement can be made with the telephone or telegraph companies they will allow the said company to use the poles of the said Cataract Company.

Passed in council this 29th day of August, 1896.

A. G. PETTIT,

[Seal.]

Deputy Reeve.

W. H. NELLES,

Clerk.

#### BY-LAW No. 128.

Respecting The Cataract Power Company of Hamilton, (Limited).

Whereas The Cataract Power Company of Hamilton (Limited), have asked for an extension of the time limited in by-law No. 118, dated 29th August, 1896, for the erection of the pole line and wiring therein mentioned, and it is deemed expedient to grant their petition :

The council of the corporation of the Township of North Grimsby therefore enacts as follows :

1. The time limited in the by-law No. 118 of the said township for the completion of the work is hereby extended for a period of one year.

2. If The Cataract Power Company of Hamilton (Limited), shall by arrangement with the Grand Trunk Railway Company, construct a line of poles and wires along the right of way of the said Railway Company, such line shall be taken and considered for all purposes as one of the lines mentioned in the said by-law.

Passed in council this 15th day of December, 1897.

[L.S.]

A. G. PETTIT,

Reeve.

W. H. NELLES,

Clerk.

#### By-law No. 110 of the Village of Grimsby.

A by-law authorizing and permitting The Cataract Power Company of Hamilton (Limited) to erect poles and string wires upon certain highways.

The corporation of the village of Grimsby in the county of Lincoln, by virtue of the authority in them vested enacts as follows :

1. The said company are hereby authorized and permitted to erect poles and string wires along the following streets and highways : Commencing at the intersection of the Queenston and Grimsby Stone Road and Robinson street in the said village, thence northerly along said street to John street, thence westerly along John street to Depot street, thence westerly

along:

along Victoria avenue to Elizabeth street, thence southerly along Elizabeth street to a point at or near E. C. Randall's house on said street, thence across private property west of mill on Main street to the new street now occupied by the Hamilton, Grimsby and Beamsville Electric Railway Co. thence westerly along said street to the line between lots twelve and thirteen, being the westerly limits of the said village, thence southerly along said line to the Queenston and Grimsby stone road; also northerly from the intersection of the Smithville and Grimsby stone road with the southerly limits of the said village along Gibson avenue to Murray street, and thence northerly to the new street before mentioned, subject, however, to the following conditions:

(a) Any route through private property to be arranged for by the company.

(b) Only one row of poles to be placed on any street in the said village

(c) All poles to be reasonably sound and straight, cleanly barked and closely knotted, sunk not less than five feet in the ground, and having a height of not less than twenty-five feet from the surface of the ground to the cross-arms carrying the wires, and the said poles shall not be less than six inches in diameter at the top or thinnest part thereof.

(d) The said poles shall be placed in such positions on the said streets or highways as the village council or any committee thereof, or engineer appointed in that behalf, may direct.

(e) All poles where necessary shall be securely guyed with steel cable, which in turn shall be properly anchored, the said company securing all privileges from private individuals for that purpose which may be necessary.

2. All expenses of laying out the line for poles shall be paid by the said company.

3. The said company shall indemnify and save harmless the said corporation of the village of Grimsby, from all damages or claims for damages of every kind, resulting from or in any way occasioned by the erection by the said company of their said poles and wires.

4. The said company shall properly insulate its wires when passing through the said village.

5. This by-law to be null and void if poles and wires are not erected as in this by-law specified and the line in operation on or before the first day of January, A.D., 1898.

Passed in council this 22nd day of September, A.D., 1896.

JAMES DORAN,

[Seal]

Reeve.

JAMES BRODIE,

Clerk.

I, James Brodie, clerk of the municipal corporation of the village of Grimsby, and K. N. Grout, a member of the municipal council of the said village, hereby certify that the above is a true copy of a by law passed at a meeting of the said council held on the 22nd day of September, A.D., 1896.

JAMES BRODIE,

[Seal]

Clerk.

K. N. GROUT,

Councillor.

BY-LAW



## BY-LAW No. 113.

By-law authorizing The Cataract Power Company of Hamilton (Limited) to erect poles and string wires upon certain highways.

The corporation of the Township of Clinton, in the county of Lincoln, enacts as follows :

1. The said company are hereby authorized and permitted to erect poles and string their wires along the following roads and highways.

From the easterly limits of said township along the line between the second and third concessions to the westerly limit thereof, and also along the line between the sixth and seventh concessions from the easterly to the westerly limits of said township.

Also along the road east of the thirty mile creek south of the Queenston and Grimsby stone road. Also along the line between the Townships of Louth and Clinton from the lines heretofore mentioned to the lines granted by the Township of Louth, subject however to the following conditions :

(a) All poles shall be reasonably sound and straight, clean barked and closely knotted, sunk not less than five feet in the ground, and having a height of not less than twenty-five feet from the surface of the ground to the cross arms carrying the wires, and the said poles shall not be less than six inches in diameter at the top or thinnest part thereof.

(b) The said poles shall not be more than one hundred feet apart.

(c) The said poles shall be placed in such position on the said highway as the township council or any committee thereof or engineer appointed in that behalf may from time to time direct when necessary in the judgment of the council for the public interest.

(d) All poles, where necessary, shall be securely guyed with steel cable, which in turn shall be properly anchored, the said company securing all privileges from private individuals for that purpose which may be necessary.

2. All expenses of laying out the line for poles under this by-law shall be paid by the said company.

3. The said company shall indemnify and save harmless the said corporation from all damages or claims for damages of every kind resulting from or in any way occasioned by the erection by the said company of their said poles, anchors, guys, and wires, and will at all times keep the poles in an upright and safe position, and all wires firmly secured to the poles.

4. The said company will commence work within one year from the date of this by-law, and complete at least one line for the use of power within sixteen months from the date thereof.

5. All employes of the company shall wear a metal badge, in a conspicuous manner, with the name of the company and a distinguishing number thereon.

6. Where it shall be necessary to top off branches or trim trees along the said highway the same shall be done under the direction of the township council.

7. In all cases where there shall be any trouble or dispute arising between the said company and any telephone or telegraph companies using the same road from the fault of the said company, the said company shall protect the said township from all damages or costs arising therefrom, and where the said roads are required for the use of other companies, the said Cataract Company shall not oppose the granting thereof by the said council so long as they do not interfere with the wires and poles of the said Cataract Company, or the proper working thereof or access thereto.

8. Notwithstanding anything herein contained, the said Township of Clinton shall not be considered as granting any rights over the roads herein mentioned where they may have become the property of private individuals, and in such cases the company must arrange with the owners thereof for right of way. Also where the road allowance between the second and third concessions west of lot eighteen is used by private individuals, the said company shall make similar arrangements.

9. The company shall give one week's notice to the township clerk where they intend to go over and locate the route and the place at which to meet, and shall pay the expenses of the said council or such committee as they may designate to locate the same.

Passed in council August 20th, 1896.

[Seal.]

D. H. MOYER,  
Reeve.

G. W. TINLIN,  
Twp. Clerk.

I, G. W. Tinlin, Clerk of the Township of Clinton, do hereby certify the above to be a true and correct copy of by-law passed in council on August 20th, 1896.

G. W. TINLIN,  
Twp. Clerk

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#### BY-LAW No. 126.

Respecting The Cataract Power Company of Hamilton (Limited).

Whereas The Cataract Power Company of Hamilton (Limited), have asked for an extension of the time limited in by-law No. 113, dated 20th August, 1896, for the erection of the pole line and wiring therein mentioned, and it is deemed expedient to grant their petition.

The council of the corporation of the Township of Clinton therefore enacts as follows :—

1. The time limited in the by-law No. 113 of the said Township for the completion of the work is hereby extended for a period of one year.

2. If The Cataract Power Company of Hamilton (Limited), shall by arrangement with the Grand Trunk Railway Company, construct a line of poles and wires along the right of way of the said railway company, such line shall be taken and considered for all purposes as one of the lines mentioned in the said by-law.

Passed in council this 15th day of December, 1897.

[Seal.]

ISAAC TUFFORD,  
Reeve.

G. W. TINLIN,  
Clerk.

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#### BY-LAW 181.

Authorizing The Cataract Power Company of Hamilton (Limited), to erect poles and string wires upon certain streets.

The corporation of the Village of Beamsville, in the County of Lincoln enacts as follows :—

1. The said corporation gives to the said company authority and permission to erect poles and string their wires along the following streets, viz :  
Along John street from the east limit of the village to Ontario street—thence North along Ontario street to the allowance for road, between the first  
and

and second concessions of the Township of Clinton, and to repair and maintain the same, subject to the conditions, regulations and provisos hereafter in this by-law contained,

2. The poles shall be sound and straight, barked closely, knotted, and painted, sunk not less than five feet in the ground and having a height of not less than twenty-five feet from the surface of the ground to the cross arms carrying the wires, and the said poles shall not be less than six inches in diameter at the top or small end.

3. The said poles shall not be placed more than one hundred feet apart and shall be placed on the said streets in such position, and from time to time shall be taken up and placed in such other position on the said streets as the council of the said corporation, or a committee thereof, or engineer appointed in that behalf, may direct.

4. All the poles where necessary, shall be securely guyed with steel cables, which in turn shall be properly anchored, the said company at the company's expense securing all privileges from private individuals for that purpose which shall be necessary.

5. All expenses of laying out the line for poles, and under this by-law shall be paid by the company.

6. The said company shall furnish power within the limits of the corporation to applicants upon as low a tariff of prices, and upon as favourable terms as the said company at the time supply parties in Hamilton or St. Catharines.

7. The said company shall indemnify and save harmless the said corporation from all damages or claims for damages of every kind resulting from or in any way occasioned by the erection by the said company of their poles and wires, and after erection from all damages or claims for damages of every kind resulting from or in any way occasioned by the working or the existence of their line, or the transmission of power along their wires, or through any default or action on the part of the said company or their agents or servants or imperfection of their wires or otherwise, howsoever, and all wires within the municipality shall be properly insulated.

8. Commencing with the year 1897 the said company shall pay taxes in each and every year upon the line and plant of the company within the corporation based upon an ascertained and accepted assessment of two hundred and fifty dollars.

9. In case of failure or neglect on the part of the said company to meet or fulfil any of the requirements of this by-law, after notice it shall be open and competent for the said corporation to enforce any of the obligations imposed by this by-law upon the said company by suit at law and to proceed to repeal this by-law.

10. This by-law shall come into force and take effect from and after the execution on the part of the said company of an agreement formally accepting this by-law and agreeing to perform, comply with and observe the stipulations, conditions and obligations herein contained.

Passed the 20th day of August, 1896.

[Seal.]

(Sgd.)

J. H. BEATTY,

Reeve.

R. VAN NORMAN,

Clerk.

I, Romaine Van Norman, clerk of the Village of Beamsville, do hereby certify under my hand and corporate seal of the said village that the foregoing is a true and correct copy of by-law 181 of the said village.

Dated this 21st day of August, A.D., 1896.

R. VAN NORMAN.

Clerk.

BY-LAW

## BY-LAW No. 392.

By-law authorizing The Cataract Power Company of Hamilton (Limited) to erect poles and string wires upon certain highways in the Township of Louth.

The corporation of the Township of Louth, in the county of Lincoln, enacts as follows :—

1. The said company are hereby authorized and permitted to erect poles and string their wires along the following roads and highways :—From the easterly line of the said township along the Mountain road in the eighth concession to the junction thereof with the line between the seventh and eighth concessions, and thence along the said line to the westerly line of said township, and also along the line between Grantham and Louth, from the southerly end thereof to the line between the fourth and fifth concessions, and thence along said line to the westerly line of the said Township of Louth, also along the line between the Townships of Louth and Clinton to their lines in the Township of Clinton, the first-mentioned Mountain road to commence at the town line between Grantham and Louth and to run to the town line between Pelham and Louth and along the said line to the line between lots four and five, and thence westerly as aforesaid, subject, however, to the following conditions :—

(a) All poles shall be reasonably sound and straight, cleanly barked and closely knotted, sunk not less than five feet in the ground and having a height of not less than twenty-five feet from the surface of the ground to the cross-arms carrying the wires, and the said poles shall not be less than six inches in diameter at the top or thinnest part thereof.

(b) The said poles shall not be more than 100 feet apart.

(c) The said poles shall be placed in such position on the said highway as the township council, or any committee thereof, or engineer appointed in that behalf, may from time to time direct, when necessary in the judgment of the council for the public interest.

(d) All poles, where necessary, shall be securely guyed with steel cable, which in turn shall be properly anchored, the said company securing all privileges from private individuals for that purpose which may be necessary.

2. All expenses of laying out the line for poles and under this by-law shall be paid by the said company.

3. The said company shall indemnify and save harmless the said corporation from all damages or claims for damages of every kind resulting from or in any way occasioned by the erection by the said company of their said poles, anchor guys and wires, and will at all times keep the poles in an upright and safe position and all wires firmly secured to the poles.

4. The said company will commence work within one year from the date of this by-law, and complete at least one line for the use of power within sixteen months from the date hereof.

5. All employees of the company shall wear a metal badge in a conspicuous manner with the name of the company and a distinguishing number thereon.

6. Where it shall be necessary to lop off branches or trim trees along the said highways the same shall be done under the direction of the township council.

7. In all cases where there shall be any trouble or disputes arising between the said company and any telephone or telegraph companies using the same road from the fault of the said company, the said company shall protect the said township from all damages or costs arising therefrom, and where the said roads are required for the use of other companies.

the:



the said Cataract Company shall not oppose the granting thereof by the said council, so long as they do not interfere with the wires and poles of the said Cataract Company, or the proper working thereof or access thereto.

8. Notwithstanding anything herein contained, the said Township of Louth shall not be considered as granting any rights over the roads herein mentioned where they may have become the property of private individuals, and in all such cases the company must arrange with the owners thereof for right of way.

9. The company shall give one week's notice to the township clerk to go over and locate the route, and the place at which to meet, and shall pay the expenses of the said council or such committee they may designate to locate the same.

Passed in council this 18th day of August, 1896.

(Signed) W. F. WILEY,  
Reeve.

CLARKE SNURE,  
Clerk.

[Seal.]

#### BY-LAW No. 402.

Amending by-law No. 392 of the Township of Louth.

Whereas by by-law No. 392 of the corporation of the Township of Louth The Cataract Power Company of Hamilton (Limited) were authorized to erect poles and string wires along certain highways in the said Township of Louth. And it is deemed expedient to amend the said by-law in manner herein set forth.

The municipal council of the corporation of the Township of Louth enacts as follows :

1. By-law No. 392 of the corporation of the Township of Louth is hereby amended by inserting after the word "aforesaid" in the first clause thereof the following words "and commencing at the intersection of the line between lots 18 and 19 and the concession line between the third and fourth concessions near the village of Jordan, then southerly along the line between lots 18 and 19 to the Queenston and Grimsby stone road, and also along the concession line between concessions 3 and 4 from the easterly to the westerly of the township.

2. It is also agreed by the said company as consideration for the use of the said road allowance that they will as soon as a tranform station is put in at or near the village of Jordan, or as soon as power is supplied to any railway, mill or factory in that neighborhood, the said company will supply free, so long as the said road or road allowance is used by them, sufficient current to light ten thirty-two candle-power lamps at the said village.

3. It is also provided that should the company use the said road allowance between concessions 3 and 4 they shall forego and resign any and all rights accorded them in said by-law No. 392 over the road allowance between the fourth and fifth concessions.

4. Nothing herein contained shall in any way effect any of the provisions contained in the by-law No. 392 hereinbefore mentioned, and the rights hereby granted shall be subject to any rights or privileges now or here-

after

after possessed by any telephone or telegraph companies on said roads or road allowances, and the said Cataract company shall indemnify and save harmless the said corporation of the Township of Louth from all damages or expenses of any kind whatsoever in connection with the said lines.

Passed in council this 18th day of August, 1897.

[Seal.]

M. A. BALL,  
Reeve.  
CLARKE SNURE,  
Clerk.

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BY-LAW No. 403.

Respecting The Cataract Power Company of Hamilton (Limited).

Whereas The Cataract Power Company of Hamilton (Limited) have asked for an extension of the time limited in by-law No. 392, dated 18th August, 1896, for the erection of the pole line and wiring therein mentioned, and it is deemed expedient to grant their petition :

The council of the corporation of the Township of Louth therefore enacts as follows :—

1. The time limited in the by-law No. 392 of the said township for the completion of the work is hereby extended for a period of one year.

2. If The Cataract Power Company of Hamilton (Limited) shall by arrangement with the Grand Trunk Railway Company construct a line of poles and wires along the right of way of the said railway company, such line shall be taken and considered for all purposes as one of the lines mentioned in the said by-law.

Passed in council this 15th day of December, 1897.

M. A. BALL,  
Reeve.

[Seal.]

C. SNURE,  
Clerk.

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BY-LAW No. 50.

By-law authorizing The Cataract Power Company of Hamilton (Limited) to erect poles and string wires upon certain highways.

The corporation of the Township of Grantham, in the county of Lincoln, enacts as follows :

1. The said company are hereby authorized and permitted to erect poles and string their wires along the following roads and highways, that is to say : From the southerly limit or end of the town line between the Townships of Louth and Grantham, and northerly to the line between the fifth and sixth concessions of Grantham, and also northerly from the intersection of the road known as the Pelham stone road with the said town line, and along the said Pelham stone road to the limits of the city of St. Catharines at lot nineteen in the eighth concession of the Township

of Grantham; and also across the town line between the Townships of Thorold and Grantham, the said company shall be permitted to lay a pipe line under the said roadway for the purpose of carrying water for their power plant, subject, however, to the following conditions:

(a) All poles shall be reasonably sound and straight, cleanly barked and closely knotted, sunk not less than five feet in the ground and having a height of not less than twenty-five feet from the surface of the ground to the cross-arms carrying the wires, and the said poles shall not be less than six inches in diameter at the top or thinnest part thereof.

(b) The said poles shall not be more than 100 feet apart.

(c) The said poles shall be placed in such position on the said highway as the township council or any committee thereof or engineer appointed in that behalf may direct, and no trees shall be trimmed except under direction of said council.

(d) All poles, where necessary, shall be securely guyed with steel cable, which in turn shall be properly anchored, the said company securing all privileges from private individuals for that purpose which may be necessary. All must be done under direction of the said council.

2. All expenses of laying out the track for poles and under this by-law shall be paid by the said company.

3. The said company shall indemnify and save harmless the said corporation from all damages or claims for damages of every kind resulting from or in any way occasioned by the erection by the said company of their said poles and wires.

4. No exclusive privileges are hereby granted to this company along said highways.

Passed in council at St. Catharines this 19th day of August, 1896.

ALBERT PAY,  
Reeve.

[Seal]

L. S. BESSEY,  
Clerk.

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#### BY-LAW No. 62.

Respecting The Cataract Power Company of Hamilton (Limited).

The council of the corporation of the Township of Grantham enacts as follows:

1. The Cataract Power Company of Hamilton are hereby authorized and permitted, in so far as the authority of this corporation extends, to construct their canal or raceway across the township line between the Townships of Thorold and Grantham, at a point opposite lot number 21, in the Township of Grantham, and to raise the grade of the roadway at such crossing, provided that no part of the crossing, or approaches thereto, shall be of a steeper grade than one foot in fifteen.

2. All work done on the said roadway and any bridges or works constructed by the said company shall be to the entire satisfaction of the said council, and, before completion thereof, the said company shall deposit with the clerk of the said council full and complete plans of the works so to be constructed. The part of the roadway for public travel shall not be less than twenty-four feet wide, and the bridge shall be of the same width.

3. The company shall provide all proper and necessary safeguards for the protection of the public, including fencing of the roadway, and shall for all time maintain and keep in proper repair the works hereby authorized, but should they at any time neglect or refuse to do so, then upon one week's written notice being served on them by the said council, the council may proceed to make such repairs as may be necessary for the proper protection of the public and shall be entitled to collect the cost of same from the said company. The fences, both on the roadway and bridge, on both sides, shall be close board fences at least four feet high, and shall be placed where directed by the council.

4. The said company shall indemnify and save harmless the said township from any damages or actions for damages that may arise from any cause whatsoever in connection with the said works of the company or any other works that may be erected or maintained by them in the said township.

5. The company are also further permitted to erect and maintain a line of poles and wires for the transmission of current along the road allowance between lots 22 and 23, southerly from the line of the Grand Trunk Railway Company. Such poles to be erected where the council or any committee appointed by them may direct, and to their satisfaction: and the expense of such committee shall be paid by the said company.

6. The company shall pay all necessary and proper charges for the inspection of the said works by the said council or any committee that they may appoint for that purpose.

Passed in council the twenty-first day of December, 1897.

(Sgd.) M. W. SWAYZE,  
Reeve.

[Seal]

L. S. BESSEY,  
Clerk.

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#### BY-LAW No. 13.

Respecting The Cataract Power Company, of Hamilton (Limited).

The corporation of the Township of Thorold, in the county of Welland, enacts as follows:

1. The said company are hereby authorized and permitted to construct a canal or raceway across the following roads or highways in the said township, namely: on the road or highway known as the Beaverdams Road, at a point between the intersection of the said road and on the township line between the Townships of Thorold and Grantham, and the road allowance between lots thirty-six and thirty-seven in the Township of Thorold, also across that part of the township line between the said Townships of Grantham and Thorold, lying between the aforementioned intersection of the said line and the Beaverdams road with the road allowance between lots forty and forty-one in the said Township of Thorold, and also across the last mentioned road allowance, and to deflect the said road about sixty feet at the township line and extending south one hundred and fifty feet, also across the road allowance in lot ninety-six in the said township, known as the Holland road, and also across the stone road running south westerly from the village of Thorold through lots numbers fifty-three, fifty-four and seventy-seven in the said Township of Thorold.



2. The said company may also raise or lower either of the said roads or highways at any of the points mentioned should there be any danger of their being overflowed, but shall make the width of the roadway for travel not less than twenty-four feet on top, and may also in case of necessity raise the road allowance between lots fifty-four and fifty-five, and also between lots fifty-six and fifty-seven, and also between lots fifty-eight and fifty-nine in the said township, or any of the roads mentioned in the first paragraph hereof, and also any bridges or crossings, more especially in lots fifty-two and fifty-three in the said township, that may by reason of the damming of the water in the Beaverdams creek by the said company, be too low for the safety of the travelling public, and also all bridges, road allowances or crossings now existing or hereafter opened or constructed that may be affected by the works of the company shall be repaired and kept at the expense of the company.

3. Provided always, and it is hereby understood and agreed that the said company shall make such changes to the satisfaction and with the approval and under the supervision of the said council or their engineer, and all bridges, cuttings or embankments on the said roads or highways shall be carried out only on plans to be furnished by the company and approved by the said council, and in such manner as to insure the safety and stability of the said works, and that the said bridges, embankments and cuttings shall at all times be kept in a first-class repair by the said company, and if at any time they are not so kept in repair and properly fenced and safeguarded on both sides of all grades required to be fenced by the council aforesaid, then, on written notice being given to the said company by the said council or their engineer, the said company shall forthwith proceed to repair such works or provide such safeguards or make such other provisions for the safety and convenience of the public as may be deemed necessary, but on their failure so to do for the space of three days after receiving such notice, then the council of the said township may at once proceed with the said works and shall be entitled to collect the cost thereof from the said company.

4. The said company shall indemnify and save harmless the said township from all actions or causes of actions that may at any time be raised through any of the acts of the company, either from flooding lands by reason of any of the works undertaken by the company, and also against all damages or claims for damages that may arise through any of the changes made in the roads or highways by the said company, or by the cuttings, embankments or bridges hereinbefore mentioned, it being understood that the privileges herein granted to the said company are only so granted on the consideration that the company will take all possible precautions for the protection of life and property along the said roads and on the works of the company, and that they will pay for any losses, damages or expenses that may be incurred by the said township from any cause whatever connected with the said works.

5. The said company shall pay all charges that may be incurred by the said township for the inspection of the works or the engineer that they may employ to examine the same, or for any committee they may appoint from time to time for the proper inspection or examination of the said works as they progress, and shall furnish all facilities for such inspection by the engineer or council at any time they may so desire.

6. The company shall prosecute all their works in such manner as to least inconvenience the travelling public, and shall at no time block up any roadway or highway from travel without the consent of the said council.

7. At all places where the company shall make the canals or raceways on any part of the highways hereinbefore mentioned, whether now existing or hereafter opened or dedicated for public use, they shall build and keep in repair for all time that this by-law may be in force and operation, suitable strong wooden bridges, to be approved of by the said council or its engineer, and shall, before proceeding with the erection of such bridges

bridges, furnish a plan thereof to the said council. All repairs or renewals of the said bridges shall be at the sole cost and charges of the said company, and all works to be done in connection therewith or for the repairs thereof shall be subject to the conditions hereinbefore mentioned in the third paragraph of this by-law.

8. The company are also bound to keep in repair for all that time that this by-law may be in force and operation, all bridges, public or private crossings, creeks or waterways in which the water will be raised by reason of the works of the company, and to construct and for the same time keep in repair all bridges, public or private, that may become necessary by reason of the water being raised as aforesaid.

9. And this by-law shall not come into force until it is accepted by the said company in such a way that the said company will be bound thereby and returned to the reeve and clerk of the township for signature.

10. The said company agree to pay taxes on the whole of their property in the said township and agree that, notwithstanding that a large part of the land owned by them will be covered by water that they will not object to the land so covered being assessed at an amount equal to the amount at which land adjoining is assessed.

11. Unless the said company commence said work by the first of December, 1897, and proceed with the construction of said work in such a way as to satisfy the council that the work will be completed on or before the first day of December, 1898, the council may repeal this by-law at any time after said first day of December, 1897.

12. No grades on any of the highways approaching the bridges or works of the company shall be more than one foot in twenty.

Passed in council this first day of November, 1897.

ELIAS EGERTER,  
Reeve.  
THOMAS A. CLARK,  
Clerk

[Seal]

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By-law No. 3 of 1898.

Amending by-law No. 13 of the Township of Thorold in the county of Welland, entitled a by-law respecting The Cataract Power Company of Hamilton (Limited).

Whereas The Cataract Power Company of Hamilton (Limited), has been granted certain powers and privileges in regard to the crossing of the road allowance between the Townships of Grantham and Thorold and have petitioned for a change in the said crossing, and it is deemed expedient to grant their petition.

The council of the corporation of the Township of Thorold therefore enacts as follows :

1. The said company are hereby authorized and permitted to change the crossing of the township line by their power canal from a point opposite lot forty-one in the said Township of Thorold to a point opposite lot forty-two in the said township as shown on the plan hereto annexed, at least twelve feet of the roadway and bridge to be on the present road allowance, and the bottom of the bridge not more than fourteen feet above present roadway.

2. The said company shall provide a roadway at least twenty-four feet wide on the travelled portion of the roadway hereby changed, and the same width on the bridge across their power canal, and shall make no grade either on the roadway or bridge of greater pitch than one foot in twenty. Also during the progress of the work the company shall provide a suitable crossing for teams so that there shall be no obstruction to travel.

3. The said company shall fence the roadway where changed by them as well as the bridge before mentioned with a suitable close board fence four feet high and shall place the same on such part of the roadway as may be directed by the said council or such committee as they may appoint in that behalf, and shall for all time that such roadway is changed as afore-said maintain the fences, bridges and roadway in proper repair for the safety and protection of the travelling public, but if at any time the said company shall neglect or refuse to maintain the said fences roadway or bridge in proper repair then on giving one week's notice the said council may repair the same and collect the cost thereof from the said company.

4. The said company shall indemnify and save harmless the said township from all damages or actions for damages that may arise from the works of the said company or any works that may hereafter be constructed by the said company and shall pay for the proper expenses of the said council or any committee thereof that may be appointed for the purpose of inspecting the said works.

Passed in council this 11th day of January, 1898.

(Seal)

JOHN W. SHRINER,  
Reeve.

THOMAS A. CLARK,  
Clerk.

## CHAPTER 69.

## An Act to incorporate The Ottawa Stock Exchange.

*Assented to January 17th, 1898.*

**W**HEREAS Charles Berkeley Powell, Gordon Burleigh Pattee, John C. Browne, Fred W. Carling and Alexander Ferguson, all of the City of Ottawa, have by their petition represented that there are a number of stock companies and corporations whose head office is at the City of Ottawa, that a large amount of shares in stock companies is owned in Ottawa, that Ottawa is a large business centre, and that it would be of advantage to said companies and stockholders and to persons desiring to buy stock in said companies to have a stock exchange established in Ottawa; and whereas said persons have for these amongst other reasons by their petition prayed for the passing of an Act incorporating a stock exchange to be established at said City; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows :—

1. The said Charles Berkeley Powell, Gordon Burleigh Pattee, John C. Browne, Fred W. Carling and Alexander Ferguson, all of the City of Ottawa, together with all those persons who may hereafter from time to time under the provisions hereof become members of the Corporation hereby constituted shall be and they are hereby constituted a body politic and corporate under the name of The Ottawa Stock Exchange, hereinafter called "the Corporation," and by that name shall have perpetual succession and a common seal, and may under that name sue and be sued, and shall have all the powers and privileges hereinafter mentioned, and also all the other powers, privileges and immunities necessary or proper for the carrying out of the objects of the Corporation.

Incorporation.



Power to acquire real and personal property.

2. The Corporation may acquire and hold property real and personal, but only to the extent requisite for the purposes of its business; may alienate, sell, convey, lease, transfer or otherwise dispose of the same or any part thereof from time to time as occasion requires for such price or prices and on such terms and conditions as it sees fit; and may also borrow money on mortgage of the real estate of the Corporation or any part thereof or on any other security for such time and on such terms and at such rates of interest as it may see fit; but the clear annual value of the said real estate to be at any one time owned by the Corporation shall not exceed five thousand dollars.

Objects of incorporation.

3. The objects of the said Corporation are hereby declared to be,—to compile records, publish statistics and acquire and distribute information respecting stocks, shares, bonds, debentures and other securities; to provide and use a suitable building or room or rooms for a stock exchange and offices in the City of Ottawa; to establish, maintain, regulate and control a stock exchange at Ottawa; and to promote the observance of such regulations and requirements as may be by by-law established not contrary to law for said purposes; to make and establish from time to time and to amend or repeal from time to time, rules, regulations and by-laws for the government of the Corporation and as may be deemed expedient or necessary for the interest and administration of the property and affairs of the Corporation and of the Stock Exchange and as to sales of stocks and other securities as aforesaid in said stock exchange, and as to the admission and expulsion of members of the Corporation and for the appointment, employment, defining the duties of and dismissal of such officers, clerks and servants as may be necessary, also as to the holding and mode of voting at any annual or special meeting of the Corporation and for the calling of such meetings, and for the carrying out of all or any of the purposes or powers mentioned in this Act or vested by law in similar corporations, and for the administration of the affairs of the Corporation generally. Provided always that such by-laws shall not be contrary to law.

Officers and management.

4.—(1.) The affairs, business and concerns of the Corporation hereby created shall be managed by a president, secretary-treasurer, and one or more managers, or such other officers as may be provided for by the by-laws, all of whom shall be members of the Corporation, and shall together constitute the governing body of the Corporation to be called “the Committee of Management,” and all of said officers shall be elected annually at such time and place as may be provided by the by-laws, and their powers and duties and those of the said committee shall also be defined by by-law. All vacancies which may occur in any of the said offices by death or otherwise shall be filled by the said committee from amongst the members of the

corporation

Corporation, and a majority of the number of the said committee, or such other number as may be established by the by-laws, shall constitute a quorum for the transaction of business.

(2.) Any two of the said offices may if it is so provided by by-law be held by one and the same person and in like manner the office of secretary-treasurer may be divided into two offices. Same person may hold two offices.

(3.) The committee of management shall have the powers in this Act provided for of making, amending and repealing by-laws, rules and regulations, but no by-laws so made shall have force beyond the then next annual meeting of the Corporation unless the same shall have been ratified at such meeting or at some special meeting of the Corporation theretofore held. Powers to committee of management.

5.—(1.) An annual meeting shall be held for the election of the officers mentioned in section 4 hereof and for such other business as may be brought before such meeting, at such time and place and under such regulations and notices as the by-laws of the Corporation shall determine; and may be adjourned as decided at such meeting; but in case of any accident, failure or neglect to hold such general election the Corporation shall not thereby lapse or terminate but shall continue and exist and the then officers and committee of management shall continue to act until their successors are appointed. Annual meeting.

(2.) Each member of the Corporation shall have a right to one vote only on each question submitted to a vote at each meeting of the Corporation, except that the president or other presiding officer shall also have a casting vote. Voting at meetings.

6. The admission of persons other than those named in this Act as members of the Corporation shall be made according to the provisions of a by-law or by-laws to be made in that behalf, and any member or members of the Corporation may be expelled from the Corporation for such reasons and in such manner as may be by-law provided. Admission of members.

7. At any time after this Act has been passed any two of the persons hereinbefore named may by a notice signed by them call a meeting at the City of Ottawa of the persons hereinbefore named to organize the Corporation hereby constituted, such notice shall be in writing and shall be mailed to each of said persons at his last known address two clear days before the day fixed for said meeting; such notice shall state the day, place and hour of such meeting and its purposes, and three persons present shall form a quorum at such meeting; a chairman, provisional secretary-treasurer and one or more persons as provisional manager or managers, shall be appointed by open vote from amongst the persons present at such meeting and they shall constitute a provisional committee of manage-

ment; in the event of the votes on any question at such meeting being equal the chairman shall have a casting vote in addition to his own vote.

By-law and resolutions.

8. At such meeting such by-laws and resolutions may be passed for the admission and expulsion of members and the organization of the business of the Corporation generally as the persons present at such meeting think necessary or advisable and the said meeting may be adjourned from time to time.

Provisional management.

9. Until a president and other officers of the Corporation provided for by this Act or by the by-laws to be made under it are appointed, the said chairman, provisional officers and committee above provided for may respectively exercise all the powers of the president, secretary-treasurer, managers and committee of management respectively provided for by this Act.

First meeting.

10. So soon as at least six persons, in addition to the members named in this Act, have become members of the Corporation a meeting of the members of the Corporation shall be called and held in such manner and after such notice as shall be provided for by by-law, and at such meeting which may also be adjourned from time to time, the regular officers provided for in this Act shall be elected from amongst the members in the manner provided for by by-law, and thereupon the powers of the chairman, provisional officers and committee shall cease, and the officers so elected at such meeting shall hold office until their successors are appointed.

Negotiable instruments.

11. The Corporation may become a party to promissory notes and bills of exchange for the purposes of the Corporation for such amounts as may be considered necessary or advisable by the committee of management.

Recovery of subscriptions and penalties.

12. All subscriptions of members due to the Corporation and all penalties incurred under any by-law by any person bound thereby, and all other sums of money due to the Corporation shall be paid to the treasurer thereof, and in default of payment may be recovered in any action brought in the name of the Corporation; and it shall only be necessary in such action to allege that such person is indebted to the Corporation in the sum of money being the amount of such arrears, on account of such subscription, penalty or otherwise, whereby an action has accrued to the Corporation by virtue of this Act, and on the trial or hearing of any such suit it shall be sufficient *prima facie* evidence for the Corporation to prove that the defendant at the time of the institution of such action was or had been a member of the Corporation and that the amount claimed by reason of such subscription or otherwise was standing unpaid in the books of the Corporation.

**13.** The Corporation shall at all times when required by the Lieutenant-Governor or by the Legislative Assembly make a full return of all its property, real and personal, and of its liabilities, receipts and expenditures, to the Lieutenant-Governor or Legislative Assembly as the case may be for such period and with such details and other information as the Lieutenant-Governor or Legislative Assembly may require in that behalf.

Returns of  
property and  
liabilities.



## CHAPTER 70.

An Act respecting The Shebandowan Mining Company and incorporating The Frue Shebandowan Gold Mining Company, Limited.

*Assented to 17th January, 1898.*

## Preamble.

**W**HEREAS a petition has been presented by the Shebandowan Mining Company, praying that an Act may be passed to empower the directors to carry out certain resolutions passed at a special general meeting of the shareholders of the company, held on the 29th day of May, 1897, providing for the sale to a new company to be organized under the name of The Frue Shebandowan Gold Mining Company, Limited, of all their mining locations and other lands situate in the Township of Moss, in the District of Thunder Bay, in the Province of Ontario, on the terms as therein set forth; and whereas Frederick Barlow Cumberland, of the City of Toronto, in the Province of Ontario, Esquire, Joseph Easton McDougall, of the same place, County Judge, John Juchereau Kingsmill, of the same place, Barrister, William Wallbridge Vickers, of the same place, Barrister, Sidney David Miller, of the City of Detroit, in the State of Michigan, Attorney-at-Law, John Wheeler Leggatt, of the same place, Real Estate Agent, and Frederick Stewart Isham, of the same place, Journalist, have petitioned that they may be incorporated under the name of "The Frue Shebandowan Gold Mining Company, Limited," to carry on in all its branches the business of a mining, milling, reduction and development company in the Township of Moss, in the said Province of Ontario, with power to acquire the mining locations and other lands of The Shebandowan Mining Company in the said Township of Moss situate: and whereas it has been shown that the said resolution passed at the said meeting held on the 29th day of May last was passed without any opposition, and no opposition has been made to the granting of the application of the petitioners; and whereas it has

been

been shown that a special Act is necessary to confer the powers asked for; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Frederick Barlow Cumberland, Joseph Easton McDougall, John Juchereau Kingsmill, William Wallbridge Vickers, Sidney David Miller, John Wheeler Leggatt and Frederick Stewart Isham, together with such other persons, firms and corporations as shall become stockholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate with perpetual succession and a common seal by the name of "The Frue Shebandowan Gold Mining Company, Limited."

Incorporation

2. The said Company shall have all the powers granted to mining companies, as specified in section 3 of *The Ontario Mining Companies Incorporation Act* and the special provisions contained in sections 4 and 5 of that Act shall be considered as embodied in and shall form a part of this Act; and the said Company shall be subject to all provisions, so far as applicable, of *The Ontario Companies Act* and *The Ontario Mining Companies Incorporation Act*.

Corporate powers.

Rev. Stat. c. 191; 197.

3. The undertaking of the Company shall be carried on in the Township of Moss, in the District of Thunder Bay, in the Province of Ontario, or at such other places within the said Province as the board of directors may from time to time determine.

Where undertaking to be carried on.

4. The head office of the Company shall be at the City of Toronto.

Head office.

5. Aliens as well as British subjects, whether resident in Canada or elsewhere, may be shareholders in the Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors or otherwise in the said Company, and in all other affairs of the Company shall enjoy the same rights and privileges as shareholders as they could do if British subjects.

Rights of aliens.

6. The amount of capital stock of the Company shall be \$1,000,000, divided into 1,000,000 shares of \$1 each.

Capital.

7. Frederick Barlow Cumberland, Joseph Easton McDougall, John Juchereau Kingsmill, William Wallbridge Vickers, Sidney David Miller, John Wheeler Leggatt and Frederick Stewart Isham shall be the provisional directors of the Company.

Provisional directors.

Shebandowan Mining Co. may sell their locations to Frue Shebandowan Gold Mining Co.

8. The directors of The Shebandowan Mining Company are hereby authorized to sell all their mining locations in Moss Township, Ontario, to The Frue Shebandowan Gold Mining Company, Limited, by this Act incorporated, and the said The Frue Shebandowan Gold Mining Company, Limited, are hereby authorized to purchase the same upon the following terms:

Terms of Purchase.

(a) The Shebandowan Mining Company is to receive 333,333 fully paid up shares of The Frue Shebandowan Gold Mining Company, Limited, in exchange for their said lands, which said special shares shall be allocated to the several shareholders of the Shebandowan Mining Company in proportion to their several holdings, and also 75,000 of like shares to defray the charges, expenses and liabilities hitherto incurred of The Shebandowan Mining Company.

(b) The said The Frue Shebandowan Gold Mining Company, Limited, may provide a working capital by a sale of the remaining shares, and for that purpose may sell or give an option for the purchase of 265,000 shares of The Frue Shebandowan Gold Mining Company, Limited, at four cents per share, of which at least 87,500 shares shall be paid for at once, providing an immediate fund of not less than \$3,500 for a speedy exploration of the lands and to pay arrears of taxes, and the cost and expenses of the organization of The Frue Shebandowan Gold Mining Company, Limited.

Powers of directors carrying on sales and purchases authorized by Act.

(c) The balance of the shares of The Frue Shebandowan Gold Mining Company, Limited, to remain as treasury stock to be sold if required from time to time to raise additional working capital at such prices as the directors of The Frue Shebandowan Gold Mining Company, Limited, shall from time to time determine.

Directors in Shebandowan Co. may be parties to purchase of lands of company.

9. For the purposes of and in carrying out the provisions of section 8 any director or shareholder of The Shebandowan Mining Company may be or become a director or shareholder in such purchasing company, or a sale of the said lands or any part thereof may be made to a director or shareholder of the company free of any trust or implied trust, in consequence of such sale or of his being such director or shareholder.

Directors of Shebandowan Mining Co. authorized to sell lands.

10. For the purpose of enabling the directors of The Shebandowan Mining Company to carry out the provisions of section 8, or, in the event of failure to carry out the provisions of the said section, the Directors of The Shebandowan Mining Company are hereby empowered to sell the whole or any part of their said lands to any person or persons, company or companies, for cash, or in case of a company partly for cash and partly for shares, or shares only in such other company, and generally to deal with and dispose of the said lands or any part of them from time to time as they may see fit, as authorized by the resolution passed on the 29th May, 1897, or pursuant

to any other resolution passed at a special general meeting called for the purpose, on three weeks' notice in writing to shareholders, such notice being addressed to their last known address such resolution to be approved by two-thirds of the shareholders present in person or by proxy at such meeting.

**11.** The directors of the Shebandowan Mining Company, The Frue Shebandowan Gold Mining Company, Limited, and the directors of any other company who may purchase lands or mining locations from the Shebandowan Mining Company are given full authority to enter into all agreements, contracts or other undertakings and to execute all necessary conveyances, deeds and transfers to carry out the sale and purchase of the said Moss Township locations and other lands, with full authority to make such modifications as may be necessary to effectually carry out the said sale according to the intention above expressed.

Directors empowered to make necessary contracts.

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## CHAPTER 71.

An Act respecting The Sydenham Glass Company,  
of Wallaceburg (Limited.)

*Assented to 17th January, 1898.*

## Preamble.

WHEREAS The Sydenham Glass Company of Wallaceburg (Limited) has, by its petition, represented that the by-law set forth in Schedule A to this Act was passed by the directors of the said Company, and was unanimously sanctioned by vote of those of the shareholders of the said Company who were present in person or by proxy at a general meeting of the Company duly called for considering the same, such shareholders representing more than three-fourths in value of the shares of the said Company, and that, under the provisions of *The Wallaceburg Debenture Act, 1895*, the Village (now Town) of Wallaceburg subscribed and paid for \$15,000 of ordinary stock of the said Company and that, subsequently, by by-law of the Council of the said Town of Wallaceburg, the said \$15,000 of stock was transferred to a trustee for the said Company for the purpose of assisting it to carry on its business in the said Town, and that it is desirable that the said by-law for the issue of the said preference shares and the said shares to be so issued and the transfer from the said Town of Wallaceburg to the said trustee of the said \$15,000 of ordinary shares should be validated and confirmed, and that the said Company should be authorized to sell, for the benefit of the said Company, the said \$15,000 of ordinary shares so transferred by the said Town of Wallaceburg to a trustee as aforesaid; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 49 of The Sydenham Glass Company of Wallaceburg (Limited), passed on the twenty-fifth day of October, 1897, and which is set forth in Schedule A to this Act, is hereby validated and confirmed and declared to be valid and binding to all intents and purposes upon the said Company and all the shareholders thereof, and the preference shares to be issued under the said by-law are hereby declared to be legal and binding upon the said Company and all the shareholders thereof.

By-law No. 49 of company confirmed.

2. The transfer by the Corporation of the said Town of Wallaceburg to a trustee for the said Company of the said \$15,000 of ordinary shares of the said Company is hereby declared to be valid and binding to all intents and purposes.

Transfer of shares in company by town of Wallaceburg to a trustee confirmed.

3. The directors of the said Company are hereby authorized and empowered to sell, for the benefit of the said company, as ordinary fully paid up shares, the said ordinary shares so transferred as aforesaid by the said Town of Wallaceburg to a trustee for the said Company, to any person, firm or corporation at such time, for such amount and in such manner as the said directors shall by by-law authorize and direct.

Directors empowered to sell shares transferred.

## SCHEDULE A.

### BY-LAW No. 49.

Repealing By-law No. 48 and providing for the issue of preference shares finally passed by the shareholders of The Sydenham Glass Co. of Wallaceburg (Limited), on October 25th, 1897, enacts as follows :

That preferred stock to the extent of fifty thousand dollars and no more shall be issued, such stock to be part of the capital stock of the company and to be known as preference stock, one thousand shares of fifty dollars each, the holders of such preference stock to be entitled, in the event of liquidation of the company, to be preferred to the ordinary shareholders of the company in respect of their capital, and at all times to be preferred for dividends out of the profits of the company to the extent of eight per centum per annum, and to share pro rata with the ordinary shareholders of the company in any profits that remain after such dividend of eight per centum on the preference shares. The holders of the preference shares shall be entitled to vote separately for the election of directors, and a majority of the directors shall be elected by the holders of preference shares.

Such stock shall be offered to the shareholders of the company at par and, if not subscribed to by them, shall be disposed of by the directors as they may think expedient for the benefit of the company.

All sections and clauses of any by-law or by-laws heretofore passed by the company inconsistent with this by-law are hereby repealed.

## CHAPTER 72.

## An Act respecting the Synod of the Diocese of Niagara.

*Assented to 17th January, 1898.*

Preamble.

WHEREAS the Synod of the Diocese of Niagara has by its petition prayed that an Act may be passed to amend in certain respects the Act passed in the 39th year of Her Majesty's reign, and chaptered 107, incorporating the said Synod, and the said Synod has also by the said petition prayed that the Act passed in the 55th year of Her Majesty's reign, chaptered 106, may be amended in certain respects, and the said Synod has also by said petition further prayed that the said Synod may be empowered to acquire and hold lands for a see house or residence of the Bishop of the Diocese and also to hold and dispose of lands for the purposes of the said Synod; and the said Synod has also by the said petition represented that there are certain churches, missions and church properties within the Diocese which have become vacant or disused, and which for various reasons are no longer required or suitable for church purposes, and that it is expedient that the Synod should be authorized to sell or otherwise dispose thereof; and the Synod has also by the said petition further represented that the greater portion of the property referred to in section 3 of the said Act, 39 Victoria, chapter 107, has from time to time been conveyed by the Incorporated Synod of the Diocese of Toronto or the Lord Bishop of Toronto to the Synod of Niagara under the provisions of the said section, but that there still remain unconveyed certain properties of small value, and that it is desirable these should be vested in the Synod of Niagara under the provisions of the said section 3 by one general Act instead of being conveyed from time to time to the Synod of Niagara; and whereas the Incorporated Synod of the Diocese of Toronto and the Lord Bishop of Toronto have not opposed legislation providing that the said remaining property shall be so vested in the Synod of Niagara; and whereas it is expedient to grant the prayer of the said petition

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Synod of the Diocese of Niagara shall have power to acquire and hold lands situate within the limits of the said Diocese for a see house or residence of the Bishop of the said Diocese for the time being, and the said Synod may also acquire and hold lands within the said limits for the actual use of the Synod in the management of its affairs, and the Synod, with the consent of the Bishop of the said Diocese for the time being, may from time to time sell and dispose of the lands referred to in this section or any part thereof and acquire other lands instead thereof for the same purposes.

Power to acquire and hold lands for see house.

2. The said Synod may purchase any lands or real property offered for sale under execution or in insolvency or under the order or decree of any Court, as belonging to any debtor to the Synod or exposed to sale by the Synod under a power of sale given to it for that purpose in any cases in which under similar circumstances an individual could so purchase without any restriction as to the value of lands which it may so purchase, and may acquire a title thereto as any individual purchasing at a sheriff's sale or under a power of sale in like circumstances could do, and may take, have, hold and dispose of the same at pleasure.

Purchasing lands sold for debts due to synod.

3. The said Synod may acquire and hold an absolute title in or to lands mortgaged to it as security for a debt due or owing to it, either by obtaining a release of the equity of redemption in the mortgage property or by procuring a foreclosure or by other means, whereby as between individuals an equity of redemption can by law be barred and may purchase and acquire any prior mortgage or charge on the said lands, provided always that the said Synod shall sell any real estate acquired under the provisions of sections 2 and 3 of this Act, within twelve years after it has been so acquired, otherwise it shall be forfeited to Her Majesty for the uses of the Province, but no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the said Corporation of the intention of Her Majesty to claim such forfeiture.

Acquiring absolute title to lands mortgaged to synod.

4. The said Synod shall from time to time have power to sell, alien and transfer any lands within the limits of the said Diocese, which may have been used for any church or mission or congregation or church purpose, in full communion with the Church of England in Canada, within the said Diocese and which may become vacant or disused or unsuitable for such purpose, and the proceeds of such sale after deducting the costs, charges and expenses of and incidental to the said sale or the interest or income derived from such proceeds as the Synod

Power to sell lands used for church purposes.



Synod shall in their discretion decide, shall be applied by the said Synod for such church purposes as nearly as may be as the purpose for which the lands so sold were originally held, and no purchaser shall be liable to see to the application of the purchase money.

55 V. c. 106,  
s. 6 repealed.

5. Subject to the provisions of section 6 of this Act, section 1 of said Act passed in the 55th year of Her Majesty's reign, chapter 106, is hereby repealed and section 2 of the Act passed in the 39th year of Her Majesty's reign, chapter 107, is hereby repealed and the following words are substituted for said section 2 :

Synod, how  
constituted.

"The said incorporated synod shall consist of the Bishop of the said Diocese, who shall be the head of the Synod, and any Suffragan or Coadjutor Bishop thereof, the Priests and Deacons of the same, licensed by the Bishop or Suffragan and the Lay Delegates or representatives elected or to be elected according to the constitution of the said Synod, as the same exists at the time of this Act, or as it may from time to time be altered by the said Synod. Provided always that the said Synod shall have hereafter full power and authority to declare and determine from time to time in their discretion whether disabled or superannuated clergymen of the diocese shall be members of the said Synod and what, if any, rights or privileges shall be granted to them either to sit or to vote or otherwise to take part in the proceedings of the said Synod."

Approval of  
provisions of  
s. 5 by synod.

6. Nothing contained in the said section 5 of this Act shall have any force or effect unless and until the said section shall be approved of by the Bishop and a majority consisting of two-thirds of both clergy and laity at a meeting of the Synod, of which notice has been previously given that the question of the adoption of said section 5 would be submitted for its approval in the same way that notice of the alteration of any canon is required to be given by the constitution of the said Synod.

39 V. c. 107,  
s. 3 repealed.

Property held  
by Bishop and  
Synod of  
Toronto for  
Diocese of  
Niagara.

7. All property of what nature or kind soever referred to in section 3 of said Act, 39 Victoria, chapter 107, which has not heretofore been conveyed under the provisions of that section to the Synod of the Diocese of Niagara is hereby vested in the said Synod of the Diocese of Niagara without the necessity of any conveyance thereof by the Synod of the Diocese of Toronto (otherwise called the Incorporated Synod of the Diocese of Toronto) or by the Lord Bishop of Toronto and the said Synod of the Diocese of Niagara shall perform the trusts relating thereto if any there be, and the said Synod of the Diocese of Toronto and the Lord Bishop of Toronto are hereby discharged from such trusts.

## CHAPTER 73.

An Act respecting the Incorporated Synod of the  
Diocese of Ottawa.*Assented to 17th January, 1898.*

WHEREAS by the Act passed in the 59th year of Her Majesty's reign, chapter 117, entitled *An Act to Incorporate the Synod of the Diocese of Ottawa in connection with the Church of England in the Dominion of Canada*, the then subsisting canons of the Incorporated Synod of the Diocese of Ontario were, by section 3 of the said Act, constituted the canons of the Synod of the Diocese of Ottawa (subject to the exceptions mentioned in said section) until the same were altered or repealed by the Synod of the Diocese of Ottawa; and whereas by section 4 of the said Act the Incorporated Synod of the diocese of Ottawa had conferred upon it, within the limits of said Diocese, all powers, rights and privileges which by any statute had been conferred upon the Incorporated Synod of the Diocese of Ontario; and whereas the said Incorporated Synod of the Diocese of Ontario then had, and now has, by virtue of its Act of Incorporation, 25 Victoria, chapter 86, and of the Act passed in the 7th year of Her Majesty's reign, chapter 68, section 4, the power to make and also to abrogate, repeal, change or alter its constitution, by-laws, rules and regulations, as may be found expedient, and was also, by the Act passed in the 39th year of Her Majesty's reign, chapter 109, invested with full power and authority to make, and from time to time to amend, such canons, rules, regulations and by-laws as by the said synod might be considered necessary in the exercise of the powers conferred upon it by its Act of Incorporation; and whereas the Incorporated Synod of the Diocese of Ottawa, at its last session duly held on and about the 1st day of June, 1897, repealed, amended and enacted certain canons, or purported so to do, and doubts have arisen in respect of the effect thereof until the ratification of the same at the next session of the said synod; and whereas the said

Preamble.

synod has prayed that such repeal, amendments, and enactments be confirmed; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain  
amendments  
to Canons of  
the Diocese  
confirmed.

1. Subject to the authority of the said synod hereafter to add to, repeal, amend or vary its canons, the repeal of Canon II, Section 7, and of Canons XV and XVI, and the amendments to Canons VIII, IX and XXIII, and the enactment of new Canons numbered XIV A, XV and XVI by the said Synod at its last session, are hereby declared to be and to have been valid from the dates thereof respectively, and the canons of the said Incorporated Synod of the Diocese of Ottawa, as thus altered and amended, are hereby confirmed and declared to be the canons of the said Synod.

Rights ac-  
quired under  
Canons con-  
firmed.

2. All rights which may have accrued, and all acts done and proceedings heretofore taken under said canons, or any of them, are hereby declared to be and to have been valid and effectual to all intents and purposes.

## CHAPTER 74.

## An Act to incorporate The Presbyterian Ladies' College, Ottawa.

*Assented to 17th January, 1898.*

WHEREAS an institution of learning under the name and style of The Ottawa Ladies' College, was incorporated by an Act of the Legislature of Ontario, passed in the year of our Lord, One Thousand Eight Hundred and Sixty-nine, and property was acquired and buildings erected thereon in the City of Ottawa; and whereas the said property has now passed under the control of the Presbyterian Church in Canada; and whereas at the last General Assembly of the said Presbyterian Church in Canada, a Committee was appointed for the administration of the College with instructions to report annually to the said Assembly, and the said Committee was instructed to procure an Act of incorporation, empowering it to acquire and take over the property of the said College from the person or persons who now hold it in trust for the Board of French Evangelization, and to hold the said property for the Presbyterian Church in Canada; and whereas the Rev. William T. Herridge, Rev. Wm. Moore, D.D., Rev. W. D. Armstrong, Ph. D., Rev. J. R. McLeod, Rev. J. Scrimger, D.D., Rev. W. R. Cruikshank, B.A., Rev. N. McNish, LL.D., Rev. A. H. Scott, Rev. W. A. McKenzie, B.D., Levi Crannell, Geo. Hay, Jas. Moodie, Francis T. Frost, M.P., and Colin McArthur, members of the said committee, have by their petition represented that it is desirable to incorporate them and their successors in office, and such other persons as may be appointed or become members of the said corporation, to acquire and take over the property of the said College and to establish the said College upon a permanent basis and provide for its effective management; and whereas the said petitioners have by their petition prayed for the passing of an Act constituting the said petitioners and their successors in office, and such other persons as may be appointed

Preamble.



or become members of the said corporation, a body corporate and politic under the name of "The Presbyterian Ladies' College, Ottawa"; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Incorporation.** 1. The said William T. Herridge, Wm. Moore, W. D. Armstrong, J. R. McLeod, J. Scrimger, W. R. Cruikshank, N. McNish, A. H. Scott, W. A. McKenzie, Levi Crannell, George Hay, Jas. Moodie, F. T. Frost and Colin McArthur, and their successors in office, and such other persons as may be appointed or become members of the said Corporation, as hereinafter provided, are hereby constituted a body corporate and politic, under the name of "The Presbyterian Ladies' College, Ottawa," hereinafter called the "Corporation" and by that name shall have perpetual succession and a common seal, and may under that name sue and be sued, and shall have all the powers and privileges hereinafter mentioned, and also all other powers, privileges and immunities vested by law in corporations necessary or proper for the carrying out of the objects of incorporation.

**Board  
Trustees.**

2. The said William T. Herridge, Wm. Moore, W. D. Armstrong, J. R. McLeod, J. Scrimger, W. R. Cruikshank, N. McNish, A. H. Scott, W. A. McKenzie, Levi Crannell, Geo. Hay, Jas. Moodie, F. T. Frost and Colin McArthur, and any additional trustees appointed by them as hereinafter provided, not exceeding in all the number of fifteen, shall be the Board of Trustees of the said Corporation, of whom seven shall form a quorum, and shall have the powers and perform the duties hereinafter assigned to them and shall hold office until successors are appointed by the General Assembly of the Presbyterian Church in Canada, in the manner in this Act provided.

**Head office.**

3. The head office of the Corporation shall be at the City of Ottawa.

**Powers and  
objects of  
corporation.**

4. The said corporation shall have power and legal authority to establish and maintain an institution of learning, to be called by the name of "The Presbyterian Ladies' College, Ottawa," for the education of young women and children, and to direct and manage the same for the purposes of education in the various branches of literature and science in such manner as they shall deem most conducive to that end, and for that purpose may acquire, by purchase or otherwise, and may hold and again dispose of any such property, real and personal, as may be necessary or desirable for the purposes of the Corporation, and may erect, furnish and equip such buildings as are considered necessary for its purposes.

5. The affairs of the Corporation shall, subject to the provisions hereinafter contained, with regard to the appointment of an Executive Committee, be managed and controlled by a Board of Trustees consisting of fifteen members, to be appointed annually, by the General Assembly of the Presbyterian Church in Canada, and every trustee so appointed shall thereupon become a member of the said Corporation, so that the Board of Trustees, as the same shall be constituted from time to time, shall be the only members of the Corporation.

Management  
and control  
vested in  
Board.

6. The said Board of Trustees shall have power to appoint an Executive Committee of seven members from among the members of the board, and to elect a President and Vice-President.

Executive  
committee.

7. The said Board of Trustees shall have power to make by-laws, rules and regulations for carrying out the objects of this Act, and the carrying on of the business of the Corporation, and for the appointment of the officers and servants of the Corporation, and to define the duties, and otherwise to carry on the business of the Corporation, in such manner as they may deem advisable.

By-laws, rules  
and regula-  
tions.

8. The said Board of Trustees shall, from time to time, and at least once a year, report to the General Assembly of the Presbyterian Church in Canada and also to the Synod of Montreal and Ottawa, showing the receipts and expenditure of the Board for all purposes, and such other details of the work of the College as may be necessary, or as may be from time to time ordered or directed by the said General Assembly, or the said Synod.

Report to gen-  
eral assembly.

9. The Board of Trustees, or if authorized by by-law of the said Board, the Executive Committee, may, from time to time, appoint, and again remove such officers, servants or employees, as they may deem necessary for the proper carrying on of the business of the Corporation, and may pay, or agree to pay, such rate of salary, remuneration or wages (if any) and for such periods as they may deem advisable.

Appointment  
of officers, ser-  
vants, etc.

10. The Board of Trustees may take sufficient security, by one or more bonds, or by the guarantee of any society or joint stock company incorporated and empowered to grant guarantees, bonds, covenants or policies, for the integrity and faithful accounting of persons occupying positions of trust, as they deem expedient, from the officers for the time being of the Corporation, for the safe keeping and accounting for by them respectively of the moneys of the Corporation and for the faithful execution of their duties, as the trustees think proper.

Security by  
officers.

11. The Board of Trustees shall hold such regular and special meetings from time to time as they consider necessary, and

Meetings of  
board of  
trustees.

and may appoint one or more committees from amongst themselves for the performance of any prescribed duties in connection with the affairs of the Corporation, may fill vacancies in any of the executive offices, and may make by-laws, rules and regulations for the calling and holding of meetings, and may, from time to time, repeal or amend such by-laws, rules and regulations.

Appointment  
of members of  
corporation.

**12.** The members of the said Corporation may appoint any person or persons being members or adherents of the Presbyterian Church in Canada, residing within the bounds of the Synod of Montreal and Ottawa, to be a member or members of the said Corporation and of the Board of Trustees, to hold office until the appointment of their successors at the next ensuing meeting of the General Assembly.

**2.** If any of the members of the said Corporation shall resign, or become incompetent to act, or die, the remaining members may appoint any person being a member or adherent of the Presbyterian Church in Canada, residing within the bounds of the Synod of Montreal and Ottawa, to fill the vacancy for the remainder of the then current year.

**3.** Provided that the whole number of members of the said Corporation shall not at any time exceed fifteen.

**4.** The appointment of additional members to complete the number of the board, or to fill vacancies, may be made at any meeting of the Board of Trustees at which a quorum is present, in the manner prescribed by any by-law or resolution of the board.

Term of office  
of board of  
trustees.

**13.** The members of the Board of Trustees, or those appointed in their stead in case of vacancy, shall remain in office and shall have and exercise all the powers given to them by this Act until their successors are duly appointed by the said General Assembly.

How trustees  
may act.

**14.** The trustees, at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the powers vested in the trustees, and the act of a majority of a quorum of the trustees present at any meeting regularly held shall be deemed to be the act of the trustees.

Non-personal  
liability.

**15.** The members of the Corporation shall not be liable personally for any acts or engagements of the Corporation.

Receiving  
subscriptions,  
etc.

**16.** The Corporation may obtain subscriptions, and may receive and take gifts, legacies and bequests of money, or other personalty, and may, in addition to such lands as may be required for the carrying out of the objects of this Act, take by gift, devise or bequest, lands, tenements, or hereditaments or interests therein, and all moneys, the proceeds of sales of any

such



such lands or other property, and all or any part of the moneys derived therefrom, or from any other source, may be invested from time to time in mortgage securities upon real estate, whether freehold or leasehold, in municipal debentures of any society or company, or in any other kind of security in which, under *The Trustee Investment Act*, or under any Act in amendment thereof, a trustee may invest trust money. Rev. Stat.  
c. 130.

17. The Corporation may sell, convey, lease or otherwise dispose of, from time to time, any of its lands or other property acquired by it, and invest the proceeds or revenue as aforesaid in any of the classes of security referred to in the next preceding section hereof, or apply the same otherwise for the purposes of the Corporation. Power to  
sell lands.

18. The Corporation may borrow or raise money for the purposes of the Corporation, to an amount not exceeding twenty-five thousand dollars, by mortgage upon its property, or any part thereof, or by the issue of bonds or debentures of the Corporation payable at such times and for such amounts and at such rate of interest as may be considered advisable, and may secure such bonds by deed of mortgage upon its property, or any part thereof or otherwise, and the Corporation may become a party to promissory notes and bills of exchange for the purposes of the Corporation for such amounts as may be considered necessary or advisable by the Board of Trustees. Power to  
borrow.

19. Every such promissory note or bill made, drawn or endorsed by the President or Vice-President as such officer, and countersigned by the Secretary as such officer shall, with out the corporate seal, be binding upon the Corporation. Promissory  
notes, how  
made and  
endorsed.



## CHAPTER 75.

An Act to amend the Act incorporating the Sisters of Our Lady of Loretto, 20 Victoria, Chapter 187.

*Assented to 17th January, 1898.*

## Preamble.

WHEREAS the Sisters of Our Lady of Loretto have by their petition prayed that their Act of incorporation may be amended in such manner as to change the name of the said Corporation, making the same more indicative of the nature of the work done by the said Corporation; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

20th Vic. c.  
187 amended.

1. The Act passed by the Parliament of the late Province of Canada in the 20th year of Her Majesty's reign, chapter 187, is hereby amended by substituting for the words "The Sisters of Our Lady of Loretto for the Diocese of Toronto in Upper Canada," where the same occur in the section of the said Act numbered one, the words "The Loretto Ladies' Colleges and Schools."

Loretto Cen-  
tral Ladies'  
College

2. The principal college or institution of the said Sisters at the City of Toronto may be known and designated as "The Loretto Central Ladies' College, Loretto Abbey, Toronto."

## CHAPTER 76.

## An Act respecting the Sisters of St. Joseph for the Diocese of Toronto in Upper Canada.

*Assented to 17th January, 1898*

**W**HEREAS the Sisters of St. Joseph for the Diocese of Toronto in Upper Canada have by their petition set forth that they have for many years carried on works and conducted various institutions for the reception and instruction of orphans, and the relief of the poor, the sick, and other necessitous, and also works and institutions of education, and that their said works have from time to time become extended and enlarged, and that with a view to extending their sphere of usefulness, and to enable them to more properly and efficiently carry on such works and institutions as aforesaid it is desirable that the powers conferred upon them by the Act incorporating them and the amendment thereto with respect to the real estate which they are empowered to acquire and hold should be altered and more clearly defined; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of the Act passed in the 25th year of Her Majesty's reign, and chaptered 93 is hereby repealed and the following substituted therefor:—

25 Vict. chap.  
93, sec. 1,  
amended.

1. The said the Corporation of the Sisters of St. Joseph for the Diocese of Toronto in Upper Canada may, from time to time, and at all times hereafter, purchase, acquire, hold, possess and enjoy, and have, take, and receive to them and their successors, to and for the uses and purposes of the Corporation, any lands, tenements and hereditaments, and real and immoveable property not exceeding in the whole at any one

Power to take  
and hold lands  
for use of  
corporation,

time

and dispose of  
the same or  
any part  
thereof.

time the annual value of \$25,000 situate within the limits of what was, at the time of passing the Act amending the Act of incorporation of said corporation (being 25 Victoria, chaptered 93) the Roman Catholic Diocese of Toronto, occupied, or hereafter to be occupied, by the said Corporation, or any of its branches, for the purposes thereof, and the same or any part thereof, to sell, mortgage, lease, alienate or dispose of, and purchase others in their stead for the same purpose.

Power to ac-  
quire other  
lands by gift,  
devise, etc.

2. The said Corporation may further acquire any other real estate within the Province of Ontario, or any interest therein, by purchase, gift, devise or bequest, such real estate not exceeding at any one time the annual value of \$10,000, and may hold such real estate or interest therein for a period of not more than seven years, and the same, or any part or portion thereof, or any interest therein, which may not within the said period of seven years have been alienated or disposed of, or of which any sale thereof may not have been completed, shall on the expiration of said seven years, vest forthwith in the Accountant of the Supreme Court of Judicature for Ontario ; and the High Court shall cause the same to be sold, or the sale completed, (as the case may be) with all reasonable speed by the corporation ; and for this purpose may make orders directing said corporation to proceed with the sale, or the completion of the sale of such land, and may provide by any such order or otherwise for the payment of the proceeds of the sale to the corporation, and for the payment of the costs and expenses incurred thereby or otherwise in or connected with such sale and proceedings ; the proceeds of such property in this sub-section mentioned may be used for the purposes of the corporation, and may be invested in the public securities of the Province, stocks of chartered banks, mortgages, or other approved securities for the use of the corporation.

Personal  
estate to be  
laid out in  
land.

3. Any personal estate by will directed to be laid out in the purchase of land to or for the benefit of the corporation shall, except as hereinafter provided, be held to or for the benefit of the corporation as though there had been no direction to lay it out in the purchase of land.

Sanctioning  
the retention  
or acquisition  
of land for use  
of corporation.

4. The High Court, or a Judge thereof sitting in Chambers, if satisfied that land devised by will to or for the benefit of the corporation, or proposed to be purchased out of personal estate by will directed to be laid out in the purchase of land, is required for actual occupation for the purposes of the corporation, and not as an investment, may by order sanction the retention or acquisition, as the case may be, of such land.

Jurisdiction  
of High Court.

5. The jurisdiction of the High Court under this Act is to be exercised by a Judge in Chambers or otherwise, and may be exercised in a summary manner so as to avoid all unnecessary expense.

## CHAPTER 77.

## An Act to amend the Acts relating to Victoria University.

*Assented to 17th January, 1898.*

**W**HEREAS the Board of Regents of Victoria University Preamble.  
 has, by petition, prayed that the Acts relating to the  
 said University may be amended as herein set forth; and  
 whereas no opposition has been offered to the said petition;  
 and whereas it is expedient to grant the prayer of the said  
 petition;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

1. Sub-section 10 of section 5 of the Act passed in the 47th 47 Vic. chap.  
 year of Her Majesty's reign chaptered 93 is amended by 93, sec. 5, sub-  
 striking out the words "every two years" in the fourth line sec. 10  
 thereof. amended.

2. The graduates admitted from time to time to vote for Graduates  
 the Vice-Chancellor and members of the Board and Senate of who may vote  
 said University shall include not only the graduates of the said at elections of  
 University prior to federation, with the University of Toronto, Vice-Chancel-  
 but also all those graduates under federation enrolled in lor and Board  
 Victoria University at the time of their graduation who shall and Senate.  
 also be eligible for election as such Vice-Chancellor and mem-  
 bers of the Board and Senate.



## CHAPTER 78.

An Act to authorize The Royal College of Dental Surgeons to admit Lewis Frederick Riggs as a student.

*Assented to 17th January, 1898.*

Preamble.

WHEREAS Lewis Frederick Riggs of the City of Toronto in the County of York and Province of Ontario has by petition set forth that from the year 1890 until the year 1897 he has been engaged almost constantly as a dentist's assistant in the City of Toronto and in other places and has prayed that an Act may be passed to enable him to enter the Royal College of Dental Surgeons of Ontario as a student of dentistry, on passing the examination hereinafter set forth; and whereas no opposition has been made thereto; and whereas subject to the provisions hereinafter set forth it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Royal College  
of Dental  
Surgeons  
authorized to  
admit Lewis  
Frederick  
Riggs as a  
student.

1. Upon the said Lewis Frederick Riggs passing the matriculation examination of the Medical Faculty of Trinity University and upon presentation of an official certificate thereof to the said The Royal College of Dental Surgeons of Ontario, and upon payment of the requisite fees in that behalf, the said College shall admit the said Lewis Frederick Riggs as a student of dentistry of the Senior Class in the School of Dentistry of the said College, any law statute or usage to the contrary notwithstanding.

## CHAPTER 79.

## An Act respecting the Estate of the late Richard Stubbs.

*Assented to 17 January, 1898.*

**W**HEREAS by an Act passed in the 57th year of the reign Preamble.  
of Her Majesty, by the Legislature of the Province of Ontario, after reciting the will of Richard Stubbs, late of the City of Toronto, merchant, and the advisability of allowing building leases to be made of part of the property comprised in the said will, it was enacted that Alexander King, Hugh Yorston and Sarah Stubbs, the executors and executrix under the will of the said Richard Stubbs, as such executors and executrix; or the survivor or survivors of them, and the person or persons or corporation from time to time legally administering the estate of the said Richard Stubbs or being trustee or trustees of the said estate, were enabled and empowered to make leases and to mortgage as therein set forth; and whereas the said Sarah Stubbs, the life tenant of the said property, died on or about the 22nd day of April, 1894, leaving her surviving Harry Garland Stubbs as life tenant under the said will; and whereas by an indenture of lease dated the 11th day of December, 1895, the said King and Yorston, acting under the powers granted by the said Act, leased a part of the said lands comprised in the said will, being lands on Queen Street and James Street in the City of Toronto, to The T. Eaton Company Limited, upon the terms and conditions therein set forth; and whereas it is expedient that the said Harry Garland Stubbs be added as a party to said lease;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said lease is hereby amended by the addition of the said Harry Garland Stubbs as one of the lessors therein and that for all intents and purposes the said lease be deemed Harry G. Stubbs made party to lease to T. Eaton Co.  
and

and construed as if the said Harry Garland Stubbs was a party lessor thereto at the date of execution thereof and had at that date duly executed the same.

Payment of  
rent to H. G.  
Stubbs.

2. Payment of four-fifths of the rent reserved in and by said lease to the said Harry Garland Stubbs during his lifetime shall for all purposes be deemed and taken as payment *pro tanto* of rent under the said lease and shall be a valid discharge to the lessee and its successors therefor. One-fifth of the rent reserved by the said lease shall be paid by the said lessee to the lessors in said lease as defined by this Act, and shall be by them deposited with the Accountant of the High Court of Justice for the Province of Ontario to the credit of the matter of Harry Garland Stubbs and of this Act, to form and create and be with the earnings thereof a fund for the security and by way of indemnity *pro tanto* to the said Alexander King and Hugh Yorston and their respective heirs, executors and administrators in respect of the liability which they have incurred or may incur by reason of the execution of said lease by the said Alexander King and Hugh Yorston, and by reason of any matter or thing done thereunder. A Judge of the said Court may on the application of any person interested therein, upon such notice to all other parties as to the said Judge may seem meet, make such order as to payment out of moneys to the credit of the said account as may appear to be necessary to carry out and effectuate the intention of this Act. Upon the said Alexander King and Hugh Yorston and their respective heirs, executors and administrators being relieved from all the liability aforesaid, the monies then to the credit of said matter with accrued interest shall upon the order of a Judge of the said Court be paid out to Harry Garland Stubbs, his heirs, executors, administrators or assigns.

Powers under  
57 V. c. 106.  
when to cease

3. Upon the determination of the said lease and of the renewal and renewals (if any) thereof and upon all covenants conditions and provisions in said lease and renewal or renewals thereof (if any) contained being fully and completely observed and performed, the powers of leasing and mortgaging said lands conferred by the said Act, passed in the 57th year of Her Majesty's reign shall thereupon cease and determine,

Rights of  
parties not  
prejudiced.

4. It is not intended by this Act to affect or prejudice the position of the said Harry Garland Stubbs, the said King and Yorston or the said The T. Eaton Company, Limited, in regard to any transactions that have taken place prior to the passing of this Act or to deprive the said King and Yorston of any lawful claims that may have for remuneration for services rendered hitherto by them in respect of the said lease and the said estate of the said Richard Stubbs, deceased, and as to such transactions and as to such claims for remuneration, it shall be as if this Act had not been passed.

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